



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

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Saint Paul, Minnesota 55101-1806

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## SITE PLAN REVIEW COMMITTEE

**Tuesday, January 28, 2014  
2nd Floor Conference Room  
375 Jackson Street, Suite 218**

<u>Time</u>	<u>Project Name and Location</u>
9:00	Gracewood Senior Living 1388 Prior Avenue South Addition to existing assisted living facility and expand parking lot
9:45	Hazeldon 680 Stewart Avenue Demolish existing residential facility, build new 58 unit community residential facility and expand outpatient clinic. Approximately 55,000 square feet of new construction.
10:45	Caribou Coffee/Bruegger's Bagels 280 West 7 <sup>th</sup> Street New building for coffee shop and restaurant

### **Applicants should plan to attend this meeting.**

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

### **Parking**

A few free parking spaces are available in our visitor parking lot off of 6<sup>th</sup> Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4<sup>th</sup> and 5<sup>th</sup> Street.

If you have questions, please contact Tom Beach at 651-266-9086 or [tom.beach@ci.stpaul.mn.us](mailto:tom.beach@ci.stpaul.mn.us).

\*revised (2)

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, January 16, 2014 3:30 P.M.  
City Council Chambers, Room #300  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF DECEMBER 12, 2013, ZONING COMMITTEE MINUTES**

**SITE PLAN REVIEW** – List of current applications (Tom Beach, 651-266-9086)

**NEW BUSINESS**

- 1      13-260-500   Ramsey County Midway Waste Site**  
Conditional use permit to allow source-separated organics collection  
1943 Pierce Butler Route, NW corner at Prior Ave  
I1  
Bill Dermody   651-266-6617
  
- 2      13-260-676   Ramsey County Sims at Frank Waste Site**  
Conditional use permit to allow source-separated organics collection  
0 Case Ave, Property lying SW and SE of the intersection of Duluth Street and Case  
Avenue  
IT  
Bill Dermody   651-266-6617

**This item has been removed from the agenda. New hearing date to be determined**

- ~~**3      13-254-169   Internacional Auto Sales**~~  
~~Modification of off-street parking and number of for sale vehicles in previous conditional~~  
~~use permit #94-247~~  
~~1265 Arcade St, NW corner at Orange~~  
~~T2~~  
~~Bill Dermody   651-266-6617~~
  
- 4      13-260-295   The Waters Senior Living**  
Conditional use permit for 1 ft. 2 inches additional building height (46'2" total)  
678 Snelling Ave S, between Scheffer and Eleanor  
B3  
Merritt Clapp-Smith   651-266-6547
  
- 5      13-253-080   The Waters Senior Living**  
Variances for driveway setback and minimum green space per resident in a traditional  
neighborhood district  
678 Snelling Ave S, between Scheffer and Eleanor  
B3  
Merritt Clapp-Smith   651-266-6547

**This item has been removed from the agenda. New hearing date to be determined**

**6 ~~13-260-424 Goodwill~~**

~~Conditional use permit for retail/service establishment of more than 15,000 sq. ft., and  
for drive-through service, with modification of condition to allow ingress/egress within 60-  
ft. of residential property, and variances for off-street parking with more than 60 ft. of  
frontage, and building setback 7.5 ft. from the alley centerline (13 ft. required).~~

~~1221 University Ave W, NW corner at Griggs~~

~~T2~~

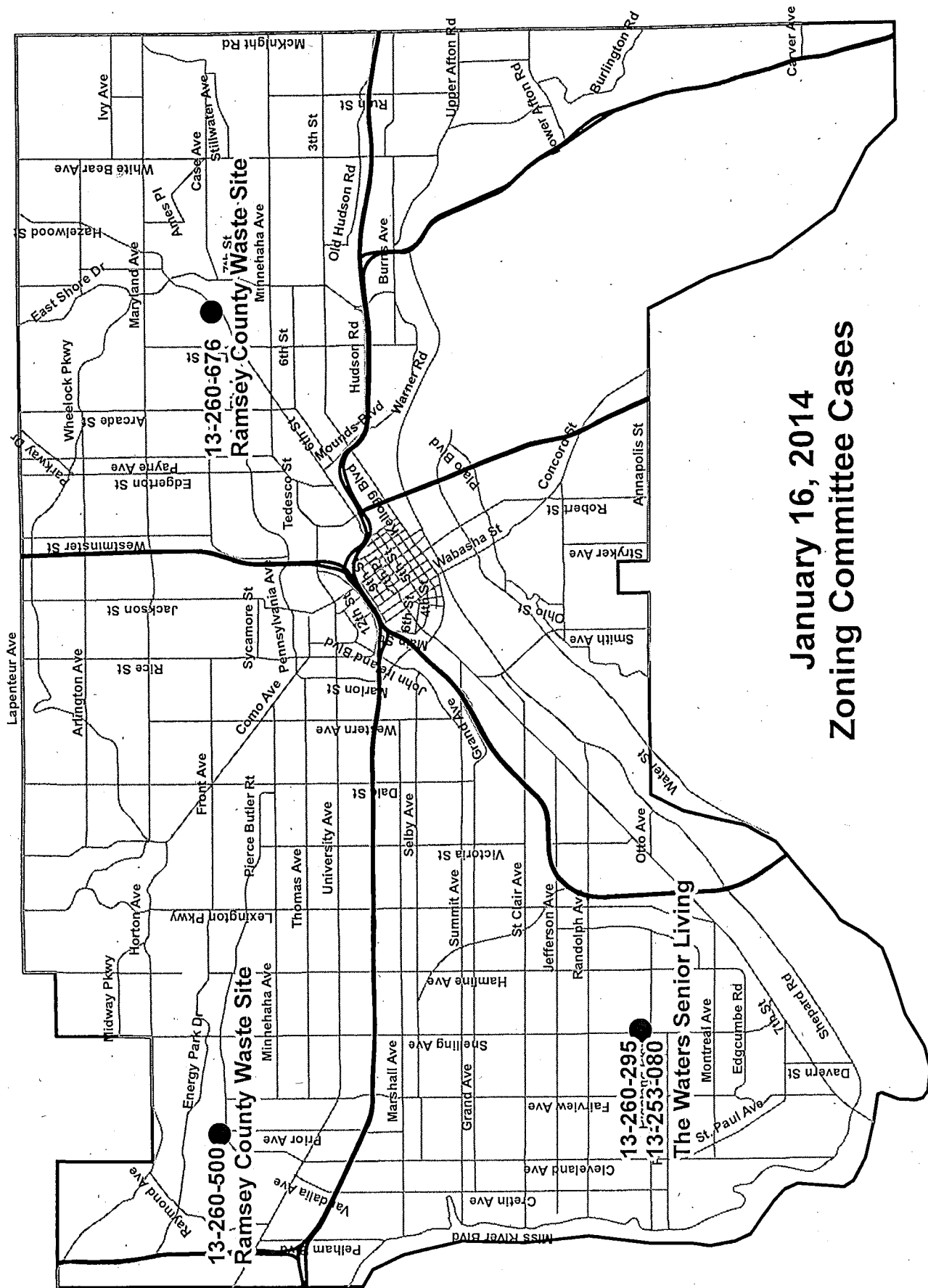
~~Anton Jerve 651-266-6567~~

**ADJOURNMENT**

Information on agenda items being considered by the Zoning Committee can be found online at [www.stpaul.gov/ped](http://www.stpaul.gov/ped), then Planning, then Zoning Committee.

**ZONING COMMITTEE MEMBERS:** Call Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.



January 16, 2014  
Zoning Committee Cases

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Ramsey County Midway Waste Site **FILE #** 13-260-500
  2. **APPLICANT:** Saint Paul-Ramsey County Public Health **HEARING DATE:** January 16, 2014
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 1943 Pierce Butler Route, NW corner at Prior Ave
  5. **PIN & LEGAL DESCRIPTION:** 282923320020, Loverings Factorywarehouse A Subj To St; Lots 1 Thru Lot 9 Blk 1
  6. **PLANNING DISTRICT:** 11 **PRESENT ZONING:** I1
  7. **ZONING CODE REFERENCE:** §61.501, §65.331
  8. **STAFF REPORT DATE:** January 8, 2014 **BY:** Bill Dermody
  9. **DATE RECEIVED:** December 26, 2013 **60-DAY DEADLINE FOR ACTION:** February 24, 2014
- 

- A. **PURPOSE:** Conditional use permit to allow source-separated organics collection and transfer as an accessory use.
- B. **PARCEL SIZE:** 112,712 square feet
- C. **EXISTING LAND USE:** G-Yard Waste
- D. **SURROUNDING LAND USE:**  
Single-family residences to the southeast (R4), a pond and industrial/railroad uses to the north and east (I1), and industrial/railroad uses to the west and directly south (I1 & I2).
- E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; a draft code amendment to §65.331 would permit and set the conditions for source-separated organics collection and transfer at municipal yard waste sites (please see attachments for draft code language currently under City Council review).
- F. **HISTORY/DISCUSSION:** In 1997, the Planning Commission approved a Conditional Use Permit for the yard waste site (ZF# 97-209). In 2004, the site received a Conditional Use Permit and Determination of Similar Use to allow acceptance and chipping of tree and shrub yard waste as an accessory use to the yard waste collection use. In 2005, the CUP was reviewed by Planning Commission and the previously approved conditions were confirmed—the one year review had been a condition of the 2004 approval.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 11 Council has not provided input regarding the application.
- H. **FINDINGS:**
  1. The application requests Conditional Use Permit approval to allow source-separated organics collection and transfer as an accessory use.
  2. Per the site plan, the source-separated organics collection container(s) is/are proposed to be located in the center-west portion of the site. The nearest residence to the proposed container is approximately 550 feet to the southeast.
  3. The source-separated organics will be stored on-site within compostable bags placed within covered dumpsters. The dumpsters will be removed regularly – approximately once per week. No on-site composting is proposed.
  4. Source-separated organics collection and transfer is currently not permitted by the Zoning Code. However, a Zoning Code text amendment has been forwarded by the Planning Commission to the City Council that would allow residentially generated source-separated organics collection and transfer to occur at the municipal yard waste sites. The text amendment, if approved, would set the following conditions for municipal yard waste sites:
    - (a) *Only yard waste and source-separated organics shall be accepted.* This condition is met—these are the only materials proposed to be accepted.
    - (b) *The municipal yard waste site shall be located no closer than three hundred (300) feet from any residentially used property as measured from the edge of the nearest compost pile to the nearest residentially used property.* This condition is met. The site operations, including

the source-separated organics collection area, are located more than 300 feet from the nearest residential properties to the southeast.

- (c) *The municipal yard waste site shall be enclosed by fencing or shall limit vehicular and pedestrian access through the use of berms, trees or other means. In industrial districts, the site may have greenhouses for composting yard waste. This condition is met. The site is surrounded by fencing. No composting takes place on this site.*
- (d) *The height of the compost pile shall be limited to no higher than fifteen (15) feet above grade. In residential districts, the size of the municipal yard waste site shall be limited to no more than three thousand (3,000) cubic yards of material per acre. This condition can be met. Piles of yard waste and finished compost are to be kept to 15 feet or less in height, as they have been required to be since the 2004 approval.*
- (e) *The site shall be maintained cleanly including the immediate removal of waste materials deposited on or near the site which cannot be composted. This condition can be met. The applicant agrees to manage the site in such a manner.*
- (f) *Source-separated organics shall be for collection and transfer only, with no on-site composting of material. All source-separated organics shall be residentially generated and kept within leak-proof, closed containers while on the site, and shall be removed regularly. This condition can be met. The application proposes collection and transfer of source-separated organics using a covered dumpster for collection. A recommended condition would limit it to residentially generated waste only.*

5. §61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. The use is consistent with the environmental goals of the Comprehensive Plan.*
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. Site access will remain the same and is unlikely to cause traffic congestion.*
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met. The use has been operating for many years and has not been detrimental to the character of development in the area or created public health, safety or general welfare problems. The addition of source-separated organics collection and transfer is unlikely to change this situation.*
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. The use has not adversely affected surrounding property or impeded its development and improvement, and the acceptance of source-separated organics is unlikely to change this situation.*
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is met. The use complies with the regulations of the I1 district.*

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit to allow source-separated organics collection and transfer as an accessory use subject to the following additional conditions:

- 1. Source-separated organic waste collected at this site shall be limited to residentially generated waste only.
- 2. Ordinance 14-3 "Source-Separated Organics" is adopted by City Council and becomes effective.

**Attachments**

- 1. Draft Ordinance 14-3
- 2. Application & Support Information
- 3. Aerial Photo & Site Plan
- 4. Zoning Map



# CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning office use only

File # 13-260500

Fee

Tentative Hearing Date

1-16-14

PD-11  
282923320020

## APPLICANT

Name Saint Paul-Ramsey County Public Health, Environmental Health Section  
Address 2785 White Bear Avenue North, Suite 350  
City Maplewood St. MN Zip 55109-1320 Daytime Phone  
Name of Owner (if different)  
Contact Person (if different) Norm Schiferl Phone 651-266-1164  
John Springman 651-266-1150

## PROPERTY LOCATION

Address / Location Midway yard waste site on Pierce Butler Route at Prior Avenue  
Legal Description (See attached narrative, Appendix A)  
Current Zoning Light industrial  
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made under provisions of Chapter 61, Section 61.501, Paragraph of the Zoning Code for a:

☒ Special Condition Use Permit

☐ Modification of River Corridor Standards

☐ River Corridor Conditional Use Permit

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.  
(attach additional sheets if necessary)

- CONDITIONAL USE: Explain how the use will meet each of the special conditions. (See attached narrative)
- RIVER CORRIDOR CONDITIONAL USE: Described how the use will meet the applicable conditions. (N/A)
- MODIFICATION OF RIVER CORRIDOR STANDARDS: Explain why modifications are needed. (N/A)

☒ Required site plan is attached

Applicant's Signature Norm Schiferl Date 12.16.13 City Agent pdd 12-26-13

**Ramsey County Application for Conditional Use Permit Amendments  
To Add Source-Separated Organics (SSO) Collection  
At the Ramsey County Midway and Frank & Sims Yard Waste Sites**

**SOURCE-SEPARATED ORGANICS (SSO) DROP-OFF COLLECTION SERVICES PROPOSAL**

**Summary**

Saint Paul – Ramsey County Public Health (“Ramsey County”) is seeking conditional use permit (CUP) amendments to the CUPs for the County’s Midway (Pierce Butler at Prior) and Frank & Sims\* (Case) yard waste sites to allow for drop-off collection of source-separated organics (SSO). SSO includes food waste/scraps and non-recyclable paper.

Ramsey County’s yard waste site operations are essentially the same, and continue to be in compliance with, the CUP/DSU (Determination of Similar Use) permits the City granted for the Midway and Frank & Sims sites in 2004 and reviewed in 2005. Thus, the focus of this application is on acceptance of SSO at the sites.

The County intends to add SSO drop-off collection areas at all seven Ramsey County yard waste sites, including all four yard waste sites within the City of Saint Paul. SSO will initially be accepted from Ramsey County residents and possibly also from local community event coordinators that generate SSO from small events; small businesses located within Ramsey County that generate food scraps/SSO, such as restaurants, could possibly be added in future.

Each site will have an area with covered containers (“dumpster” or roll-off box) in which people will place SSO brought to the site in compostable bags. The County will contract with a vendor to empty the containers on a regular basis and haul the SSO to a properly permitted organics processing facility, such as an SSO composting facility. The SSO collection area will be completely separate from yard waste operations. SSO collection services will begin in the spring of 2014, and will be available to the public during open yard waste site hours, which will be extended throughout the year at all sites.

Ramsey County has been evaluating this service for the past year, as part of implementation of the *Ramsey County Solid Waste Master Plan*. City of Saint Paul officials have requested that the County add SSO collection areas at the County’s yard waste sites, consistent with the City’s current Recycling Services Timeline brochure that shows, during 2014, “Increase backyard composting education and expand organics drop off sites.” Having SSO drop-off opportunities available will help to serve as a bridge until curbside SSO collection opportunities become available (the *Solid Waste Master Plan* requires all municipalities in Ramsey County to provide for residential SSO collection by 2016; commercial SSO collection services are currently only available on a limited basis within Ramsey County).

**Description of SSO Collection Services at Yard Waste Sites**

**Who will be served**

- Residents of Ramsey County.



- Possibly local community event coordinators that generate SSO from small events.
- In future, potentially small businesses in the county that generate food waste/SSO, such as restaurants.

#### Where

- Drop-off SSO capacity will be provided at all seven yard waste sites during regular yard waste hours.
- SSO and yard waste collection areas will be completely separate.

#### When

- Services will start in spring of 2014. SSO collection services will be available to the public during open yard waste site hours and days.
- Unlike yard waste in a cold-winter climate, food waste/organics are generated year-round. Thus, SSO will need to be accepted year-round and weekly at all the yard waste sites. Three sites, including the Midway and Frank & Sims sites, currently are open one weekend a month from December through March; starting in 2014 all seven sites will be open on all weekends throughout winter (and continue to be open Monday, Wednesday, Friday, Saturday and Sunday during spring, summer and fall).

#### What

- Acceptable materials will include food waste/scraps and various types of soiled/low-grade/non-recyclable paper (plus some other minor items typically accepted in SSO collection programs, such as dryer lint).
- Yard waste will continue to be managed separately.

#### How

- Bags
  - Materials will only be accepted in closed compostable bags (with a specific certification: "BPI-certified"), which will:
    - Reduce potential odors once delivered to the site,
    - Reduce the potential for materials to freeze to collection containers at the site, and
    - Comply with State law requiring that any bags delivered to compost facilities be BPI-certified compostable bags.
  - During 2014 and 2015 the County will purchase compostable bags in bulk and make them available to residents at no cost. Doing so will address the potential barrier to residents of the cost of bags.
- SSO collection: The Department will procure a contract with a vendor to provide suitable covered containers at the sites for SSO, and collect the SSO from them on a regular basis, or when called, for delivery to a properly permitted organics processing facility, such as an SSO composting facility.
- Sanitation: The program is designed to prevent adverse outcomes, such as odor or rodent problems, by requiring SSO to be bagged, providing for covered containers; and having regular collection of SSO by the vendor. Collection is generally planned to occur at least once per week but could increase during the summer months when use may be higher and/or warmer weather conditions may warrant increased collection frequency. Collection frequency may decrease during the winter months when projected slower use and colder temperatures allow for longer periods between hauling.
- Cost to residents: No user charge to residents at the sites.

### Education and promotion:

- A promotion and education program will accompany launch of SSO collection at the yard waste sites, both to inform and generate interest in the program to residents, and to educate residents about which materials are acceptable, because significant contamination with unacceptable materials could deem loads of SSO to be unacceptable at a SSO processing facility.
- As part of the promotion, for 2014 and 2015 the County will provide compostable bags at no cost to residents.
- The education and promotion campaign will also include information about backyard composting.
- The Ramsey County Master Gardener program will be an important player in this campaign, assisting in communicating about SSO collection, as well as assisting with education at the yard waste sites (Saint Paul – Ramsey County Public Health has an ongoing contract with the Master Gardener program).

### Labor

- Existing staff (yard waste monitors) will serve as quality control for SSO that is dropped off by residents. During busy yard waste periods (particularly portions of the spring and fall), additional labor may be needed to assist in quality control. The Department will explore the use of other labor resources, such as volunteers or Master Gardeners, to assist at these times.

### Permits and licenses

- Minnesota Pollution Control Agency (MPCA) - All seven yard waste sites are approved permit-by-rule sites with the MPCA, and the County complies each year with annual reporting requirements. Ramsey County will submit an application for each site for the new MPCA SSO drop-off transfer station permit-by-rule requirement, which will become a simple amendment to the existing yard waste permits-by-rule.
- Municipal permits - County staff is working with all four host communities of the County's yard waste sites (Arden Hills, Mounds View, Saint Paul, and White Bear Township) to ensure that any necessary permit changes can be received well in advance of the proposed roll-out of SSO collection at the yard waste sites in the spring of 2014.

### SSO participation

It is very difficult to estimate how many households will be interested in bringing SSO to the yard waste sites, and how often they might do so. The only local experience is in Saint Paul, where the Macalester-Groveland Community Council provides a SSO drop-off site in the parking lot of a local store. For initial estimating purposes, it is assumed that by the end of the first year that roughly 200 households will be using the sites at least somewhat regularly in the areas around each of the yard waste sites, except 100 households for sites with less frequent use—Battle Creek and White Bear Township. This totals to an estimated 1,200 households for the seven sites combined.

## **HOW CONDITIONS WILL BE ADDRESSED**

### **Background on Ramsey County Midway and Frank & Sims Sites**

The County's yard waste sites in Saint Paul began as joint operations between district councils and the County in the mid-1980s. The County (Public Health) took over operation of all County yard waste sites

in 1990-91. These sites accepted leaves, grass clippings, and other soft-bodied plant material for composting.

In 1994, at the request of the District Five Planning Council, the County purchased land to create the Frank & Sims site, including the yard waste drop-off area at the time plus surrounding land. Included was the sizable buffer area to the north and west to ensure compliance with City municipal yard waste requirements; that area has now evolved into the Big Urban Woods educational area as a service to the nearby community.

The Midway site, leased from the BN, was moved by the railroad in 1997 to its current site, from a site ¼ mile east; both site areas are on the north side of Pierce Butler Route. The BN sold the site to Ramsey County in 2003.

In fall of 2003 the County Board sought to add acceptance of tree and shrub waste and processing into wood chips at four sites, including two in Saint Paul, the Midway and Frank & Sims sites. When Ramsey County in early 2004 sought to add tree and shrub waste for these two sites, the City required the County to apply for a Conditional Use Permit (CUP) and Determination of Similar Use (DSU) for each site. The City of Saint Paul Planning Commission approved Zoning File No. 04-033-328 for the Frank & Sims site (referred to as "xxCase") and Zoning File No. 04-035-391 for the Midway site (referred to as "xxPrior Ave. N"), each with several conditions, including a requirement that the Planning Commission review both permits in one year. In 2005 the Planning Commission confirmed the CUP/DSU for each site in Zoning File No. 05-059-402 (Case) and 05-059-403 (Prior).

In 2006 the City approved the Phalen/Atlantic plan amendment to the Phalen Corridor Development Strategy, including some zoning changes affecting the Frank & Sims yard waste site. Formerly a conforming conditional use, the site is now a legal nonconforming use. At the same time the City approved an amendment to the zoning code, currently listed as Section 62.106 (q), which allows existing municipal yard waste sites that are legally nonconforming in the light industrial restricted district to expand as a conditional use, even though new municipal yard waste sites are not permitted in such districts. A January 27, 2006, letter from Brian Alton, Chair of the Saint Paul Planning Commission, to the Ramsey County Board chair and County commissioners, states in part, "the amendment in Section 62.106 (q) will allow the yard waste site to expand subject to the standards under the conditional use process, thus providing the flexibility that County staff has sought. The yard waste site is highly regarded. There is nothing in the Phalen/Atlantic plan amendment or zoning study that is intended to detract from its ability to operate."

In 2013 the City has undertaken a study resulting in the West Midway Industrial Strategy, currently listed on a City web page as a draft document. While the Midway yard waste site is included in the boundaries of the study area, it is not apparent that any specific strategies would affect the site, other than continued designation as industrial for the portion containing the Midway site.

Since 2004 the Midway site has averaged about 116,000 site visits per year (ranging from about 105,000 to 139,000), and the Frank & Sims site has averaged about 73,000 site visits per year (ranging from about 61,000 to 87,000).

### **Addressing Conditions**

### CUP General Standards

Section 61.501 of the Saint Paul Zoning Code includes five general standards, each of which is addressed below. Ramsey County continues to operate in compliance with the CUP/DSI permits for the Midway and Frank & Sims sites, and the operations are essentially the same as they were in 2004 and 2005. Thus, the focus of this application is on acceptance of SSO at the sites.

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*

The current use of each site as a yard waste site continues to be in compliance with applicable zoning regulations, and the addition of the SSO drop-off area at each site will not have any negative impact on continued compliance with applicable zoning regulations. The 2006 Phalen/Atlantic plan amendment and zoning changes affected the Frank & Sims site by changing its status to a nonconforming use; however, the provisions of the 2004-5 CUP/DSU for the site has continued, and Section 62.206 (q) allows expansion of the conditional use. The 2010 *Saint Paul Comprehensive Plan* does mention an upcoming west Midway area industrial study; the draft 2013 West Midway Industrial Strategy does not appear to have a direct impact on the Midway yard waste site except to continue the current industrial designation.

The 2010 *Saint Paul Comprehensive Plan* includes mention of Sustainable Saint Paul. Addition of SSO drop-off areas at the County's yard waste sites in the City is consistent with one of the focal points of Sustainable Saint Paul, recycling and waste reduction. Since then the City has undertaken its Recycle it Forward process in 2012-13, which has led to upcoming changes to expand the City's recycling program, including in 2014, "Increase backyard composting education and expand organics drop off sites."

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

Ramsey County continues to operate the Midway and Frank & Sims sites as efficiently as possible in terms of traffic flow, especially during busy times in spring and fall when large numbers of residents seek to use the sites. Addition of the SSO drop-off area is not expected to increase traffic significantly, as the number of households dropping off SSO is expected to be relatively small (an estimated 200 households using each site at least somewhat regularly), and some SSO drop-off site users may already be using the sites to drop off yard waste. (The Midway and Frank & Sims sites average about 116,000 and 73,000 site visits per year, respectively.)

- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

The Frank & Sims site has been in its current location since the mid-1980s. The current Midway yard waste site has been in its current location since 1997, and the previous location ¼ mile east was in operation from the mid-1980s until 1997. Since the County took over operation of its yard waste sites in 1990-91 the County has sought to be a good neighbor at these and other yard waste sites. The County has been in compliance with the CUPs for both sites since the City approved and reviewed the

CUPs/DSUs for both sites in 2004-5. Addition of the SSO drop-off area will not have any detrimental effect on the immediate neighborhood, nor will it endanger the public health, safety and general welfare. Instead, the SSO drop-off area will offer residents an opportunity to help manage their organic waste in a productive manner instead of putting it in the trash. Any potential for odor production will be minimized because all SSO brought to the site must be in compostable bags, the bags will be placed in an enclosed container prior to pick-up, and the containers will be collected and transported to a SSO processing facility on a regular basis.

*(d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The current use as a yard waste site has been compatible with surrounding property at both sites for many years. Addition of the SSO drop-off area at each site will not have an impact on development and improvement of surrounding properties.

*(e) The use shall, in all other respects, conform to the applicable regulations of the district, in which it is located.*

The current use of each site as a yard waste site continues to be in compliance with applicable zoning regulations, and the addition of the SSO drop-off area at each site will not have any negative impact on continued compliance with applicable zoning regulations.

#### Municipal yard waste site standards

The Midway and Frank & Sims sites continue to operate in accordance with all the requirements of Section 65.331, Yard waste site, municipal, which are also mirrored in the CUP conditions for each site.

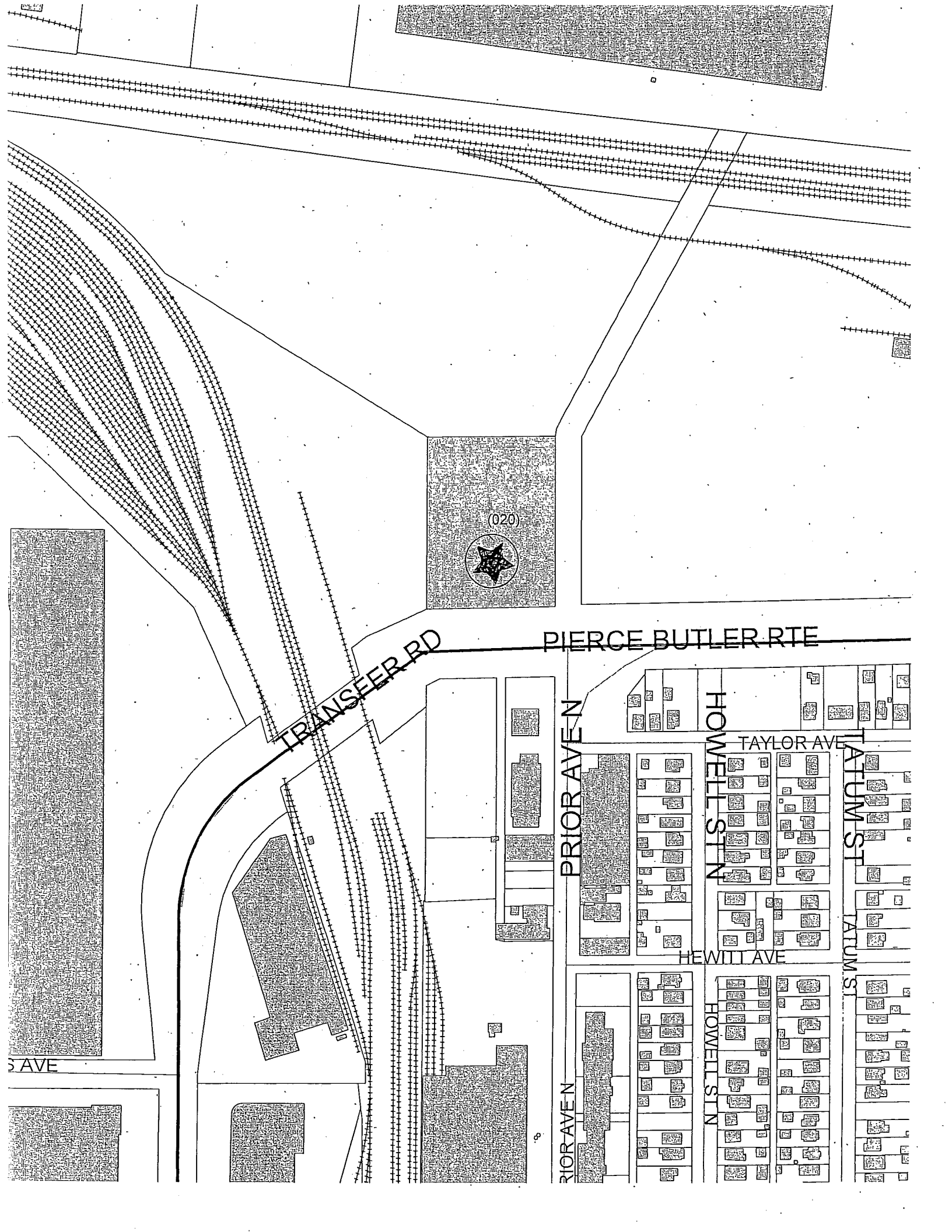
Section 65.331 (a) requires that only yard waste and no other types of solid waste be accepted. City staff has indicated that it is seeking to have this provision amended to allow for acceptance of SSO at municipal yard waste sites, and managed on-site separately from yard waste.

# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☐ Show Reference Map





(020)

TRANSEER RD

PIERCE BUTLER RTE

PRIOR AVE N

HOWELL ST N

TAYLOR AVE

HEWITT AVE

TATUM ST

PRIOR AVE N

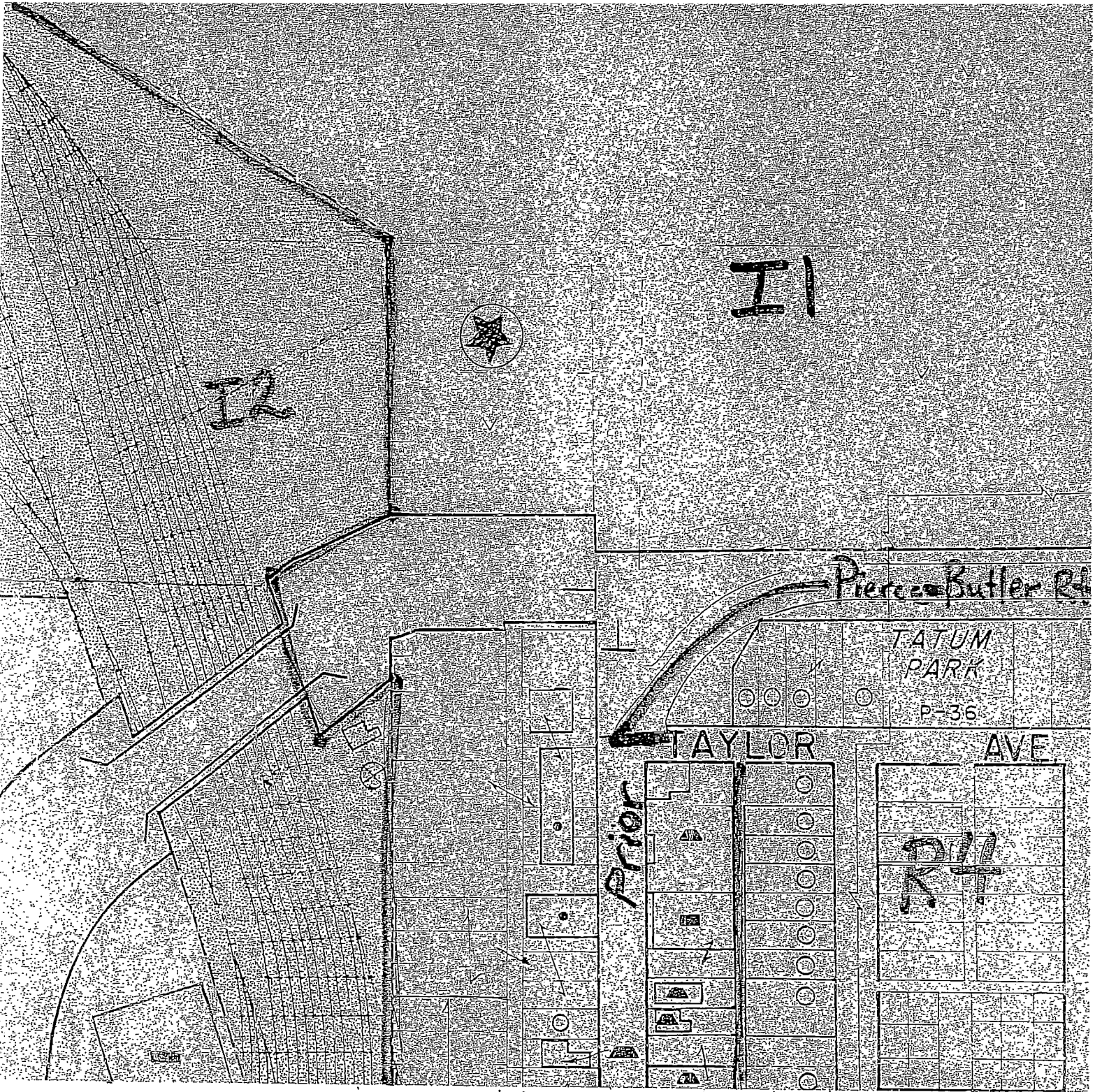
HOWELL ST N

TATUM ST

SAVE







APPLICANT St Paul - Ramsey City Public Health  
 PURPOSE CUD  
 FILE # 13-260500 DATE 12-27-13  
 LONG. DIST. 11 Land Use Map # 9  
 Zoning Map # 7

SCALE: 1" = 400'

LEGEND:
 

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant

PED  
 north

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Ramsey County Sims at Frank Waste Site **FILE #** 13-260-676
  2. **APPLICANT:** Saint Paul-Ramsey County Public Health **HEARING DATE:** January 16, 2014
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** Property lying SW and SE of the intersection of Duluth Street and Case Avenue
  5. **PIN & LEGAL DESCRIPTION:** 282922410094, Trillium Addition Ex That Pt Of Lot 2 Blk 2 Lying Sely Of Fol Desc L "a" Com At Sw Cor Of Sec 28 Tn 29 Rn 22 Th N Along The W L Of Sd Sec A Dist Of 1128.71 Ft To The Pt Of Beg Of Sd L "a" Th S 86 Deg 28 Min 30 Sec E A Dist Of 597.51 Ft Th Ely 244.73 Ft Al
  6. **PLANNING DISTRICT:** 5 **PRESENT ZONING:** IT
  7. **ZONING CODE REFERENCE:** §61.501, §62.106, §65.331
  8. **STAFF REPORT DATE:** January 8, 2014 **BY:** Bill Dermody
  9. **DATE RECEIVED:** December 26, 2013 **60-DAY DEADLINE FOR ACTION:** February 24, 2014
- 

- A. **PURPOSE:** Conditional use permit to allow source-separated organics collection and transfer as an accessory use.
- B. **PARCEL SIZE:** 268,157 square feet
- C. **EXISTING LAND USE:** G-Yard Waste
- D. **SURROUNDING LAND USE:**  
MPR satellite dishes to the west (IT), residential uses farther west (RT1) and to the north (R4), and industrial and vacant properties across Phalen Boulevard to the east and south (IT and I1).
- E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; §62.106(q) allows legally nonconforming municipal yard waste sites in the IT district to be expanded through a Conditional Use Permit; a draft code amendment to §65.331 would permit and set the conditions for source-separated organics collection and transfer at municipal yard waste sites (please see attachments for draft code language currently under City Council review).
- F. **HISTORY/DISCUSSION:** The site's principal use, yard waste collection, predates the applicable regulations in the Zoning Code and does not have a Conditional Use Permit. In 2004, the site received a Conditional Use Permit and Determination of Similar Use to allow acceptance and chipping of tree and shrub yard waste as an accessory use to the existing yard waste collection use. In 2005, the CUP was reviewed by Planning Commission and the previously approved conditions were confirmed—the one year review had been a condition of the 2004 approval. In 2006, the site was rezoned from I1 Light Industrial District to IR (now known as IT Transitional Industrial District), which caused the uses to become nonconforming.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 5 Council has not provided input regarding the application.
- H. **FINDINGS:**
  1. The application requests Conditional Use Permit approval to allow source-separated organics collection and transfer as an accessory use.
  2. Per the site plan, the source-separated organics collection container(s) is/are proposed to be located in the center portion of the site, just north of the driveway from Sims Avenue. The nearest residence to the proposed container is located approximately 330 feet to the north.
  3. The source-separated organics will be stored on-site within compostable bags placed within covered dumpsters. The dumpsters will be removed regularly—approximately once per week. No on-site composting is proposed.
  4. Source-separated organics collection and transfer is currently not permitted by the Zoning Code. However, a Zoning Code text amendment has been forwarded by the Planning Commission to the City Council that would allow residentially generated source-separated

organics collection and transfer to occur at the municipal yard waste sites. The text amendment, if approved, would set the following conditions for municipal yard waste sites:

- (a) *Only yard waste and source-separated organics shall be accepted.* This condition is met—these are the only materials proposed to be accepted.
- (b) *The municipal yard waste site shall be located no closer than three hundred (300) feet from any residentially used property as measured from the edge of the nearest compost pile to the nearest residentially used property.* This condition is met. Though the parcel is directly across the street from residential uses to the north, the active site operations are in the center of the parcel and are more than 300 feet from the residential properties.
- (c) *The municipal yard waste site shall be enclosed by fencing or shall limit vehicular and pedestrian access through the use of berms, trees or other means. In industrial districts, the site may have greenhouses for composting yard waste.* This condition is met. The site is surrounded by fencing. In addition, there is a wooded buffer between the operations area and the residential and park areas to the north. No composting takes place on this site.
- (d) *The height of the compost pile shall be limited to no higher than fifteen (15) feet above grade. In residential districts, the size of the municipal yard waste site shall be limited to no more than three thousand (3,000) cubic yards of material per acre.* This condition can be met. Piles of yard waste and finished compost are to be kept to 15 feet or less in height, as they have been required to be since the 2004 approval.
- (e) *The site shall be maintained cleanly including the immediate removal of waste materials deposited on or near the site which cannot be composted.* This condition can be met. The applicant agrees to manage the site in such a manner.
- (f) *Source-separated organics shall be for collection and transfer only, with no on-site composting of material. All source-separated organics shall be residentially generated and kept within leak-proof, closed containers while on the site, and shall be removed regularly.* This condition can be met. The application proposes collection and transfer of source-separated organics using a covered dumpster for collection. A recommended condition would limit it to residentially generated waste only.

5. §61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The use is consistent with the environmental goals of the Comprehensive Plan.
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Site access will remain the same and is unlikely to cause traffic congestion.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The use has been operating for many years and has not been detrimental to the character of development in the area or created public health, safety or general welfare problems. The addition of source-separated organics collection and transfer is unlikely to change this situation.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use has not adversely affected surrounding property or impeded its development and improvement, and the acceptance of source-separated organics is unlikely to change this situation.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use complies with the regulations of the IT district.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit to allow source-separated organics collection and transfer as an accessory use subject to the following additional conditions:
1. Source-separated organic waste collected at this site shall be limited to residentially generated waste only.
  2. Ordinance 14-3 "Source-Separated Organics" is adopted by City Council and becomes effective.

**Attachments**

1. Draft Ordinance 14-3
2. Application & Support Information
3. Aerial Photo & Site Plan
4. Zoning Map

**File Number: Ord 14-3**

Amending Legislative Code Chapters 60 and 65 pertaining to source-separated organics.

**STATEMENT OF FINDINGS BY THE COUNCIL**

WHEREAS, the Council of the City of Saint Paul, in Resolution No. 13-1906, requested the Saint Paul Planning Commission to report and recommend possible amendments to Leg. Code §§ 60.220 and 65.331, and any other zoning code amendments that the Commission believes may facilitate the Council's intentions; and

WHEREAS, based upon the Council's request, draft text amendments relating to the said sections of the Zoning Code were prepared by zoning staff and presented to the Planning Commission's Neighborhood Planning Committee for review and analysis; and

WHEREAS, in a memo dated December 12, 2013, the Neighborhood Planning Committee submitted a report to the Planning Commission in which recommendations and a rationale for amending specific sections of the Zoning Code regarding source-separated organics were set forth; and

WHEREAS, on December 20, 2013, the Planning Commission, based upon the Neighborhood Planning Committee's report, duly submitted its recommendation to amend certain sections of the Zoning Code regarding source-separated organics to the City Council for its review and consideration; and

WHEREAS, a public hearing before the City Council having been duly conducted at which all interested parties were given an opportunity to be heard, and having considered all the recommendations concerning the proposed zoning text amendments, including the Planning Commission's minutes and the Neighborhood Planning Committee's memorandum and their rationale for the recommended Zoning Code amendments which the Council finds persuasive and thus hereby incorporates by reference into this ordinance for the specific purpose of articulating the Council's reasons and rationale for enacting the recommended amendments as set forth below in Sections 1 through 2, in addition to any other reasons the Council might articulate on the record in adopting these amendments the Council, having considered all the facts and recommendations concerning the proposed zoning amendments and pursuant to the authority granted by and in accordance with the procedures set forth in Minnesota Statutes Sec. 462.357 states as follows:

**THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:**

**SECTION 1**

**Legislative Code Chapter 60, Article II, 60.200, General Definitions, is hereby amended as follows:**

**Sec. 60.220. S.**

Source-separated organics. Food scraps and non-recyclable paper that is separated at the source of its creation for the purpose of composting.

**SECTION 2**

**Legislative Code Chapter 65, Land Use Definitions and Development Standards, is hereby amended as follows:**

**Sec. 65.331. Yard waste site, municipal.**

A site owned or leased by a governmental entity and approved by the city, the county and the state pollution control agency for the storage, transfer or composting of yard waste.

*Standards and conditions:*

- (a) Only yard waste and ~~no other types of solid waste~~ source-separated organics shall be accepted.
- (b) The municipal yard waste site shall be located no closer than three hundred (300) feet from any residentially used property as measured from the edge of the nearest compost pile to the nearest residentially used property.
- (c) The municipal yard waste site shall be enclosed by fencing or shall limit vehicular and pedestrian access through the use of berms, trees or other means. In industrial districts, the site may have greenhouses for composting yard waste.
- (d) The height of the compost pile shall be limited to no higher than fifteen (15) feet above grade. In residential districts, the size of the municipal yard waste site shall be limited to no more than three thousand (3,000) cubic yards of material per acre.
- (e) The site shall be maintained cleanly including the immediate removal of waste materials deposited on or near the site which cannot be composted.
- (f) Source-separated organics shall be for collection and transfer only, with no on-site composting of material. All source-separated organics shall be residentially generated and kept within leak-proof, closed containers while on the site, and shall be removed regularly.

**SECTION 3**

This ordinance shall become effective thirty (30) days after its passage, approval and publication.



**CONDITIONAL USE PERMIT APPLICATION**  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning office use only

File # 13-260676

Fee: \_\_\_\_\_

Tentative Hearing Date: \_\_\_\_\_

70-5

1-16-14

# 282922410094

**APPLICANT**

Name Saint Paul-Ramsey County Public Health, Environmental Health Section  
Address 2785 White Bear Avenue North, Suite 350  
City Maplewood St. MN Zip 55109-1320 Daytime Phone \_\_\_\_\_  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) Norm Schiferl Phone 651-266-1164  
John Springman 651-266-1150

**PROPERTY LOCATION**

Address / Location Frank & Sims yard waste site at SE corner Duluth at Case  
Legal Description (See attached narrative, Appendix A)  
Current Zoning Restricted light industrial  
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made under provisions of Chapter 61, Section 61.501, Paragraph \_\_\_\_\_ of the Zoning Code for a:

- ☒ Special Condition Use Permit ☐ Modification of River Corridor Standards  
☐ River Corridor Conditional Use Permit

**SUPPORTING INFORMATION:** Supply the information that is applicable to your type of permit.  
(attach additional sheets if necessary)

- **CONDITIONAL USE:** Explain how the use will meet each of the special conditions. (See attached narrative)
- **RIVER CORRIDOR CONDITIONAL USE:** Described how the use will meet the applicable conditions. (N/A)
- **MODIFICATION OF RIVER CORRIDOR STANDARDS:** Explain why modifications are needed. (N/A)

☒ Required site plan is attached

Applicant's Signature

*Norm Schiferl*

Date

12.16.13

City Agent

*pdf 12-26-13*

**Ramsey County Application for Conditional Use Permit Amendments  
To Add Source-Separated Organics (SSO) Collection  
At the Ramsey County Midway and Frank & Sims Yard Waste Sites**

**SOURCE-SEPARATED ORGANICS (SSO) DROP-OFF COLLECTION SERVICES PROPOSAL**

**Summary**

Saint Paul – Ramsey County Public Health ("Ramsey County") is seeking conditional use permit (CUP) amendments to the CUPs for the County's Midway (Pierce Butler at Prior) and Frank & Sims\* (Case) yard waste sites to allow for drop-off collection of source-separated organics (SSO). SSO includes food waste/scraps and non-recyclable paper.

Ramsey County's yard waste site operations are essentially the same, and continue to be in compliance with, the CUP/DSU (Determination of Similar Use) permits the City granted for the Midway and Frank & Sims sites in 2004 and reviewed in 2005. Thus, the focus of this application is on acceptance of SSO at the sites.

The County intends to add SSO drop-off collection areas at all seven Ramsey County yard waste sites, including all four yard waste sites within the City of Saint Paul. SSO will initially be accepted from Ramsey County residents and possibly also from local community event coordinators that generate SSO from small events; small businesses located within Ramsey County that generate food scraps/SSO, such as restaurants, could possibly be added in future.

Each site will have an area with covered containers ("dumpster" or roll-off box) in which people will place SSO brought to the site in compostable bags. The County will contract with a vendor to empty the containers on a regular basis and haul the SSO to a properly permitted organics processing facility, such as an SSO composting facility. The SSO collection area will be completely separate from yard waste operations. SSO collection services will begin in the spring of 2014, and will be available to the public during open yard waste site hours, which will be extended throughout the year at all sites.

Ramsey County has been evaluating this service for the past year, as part of implementation of the *Ramsey County Solid Waste Master Plan*. City of Saint Paul officials have requested that the County add SSO collection areas at the County's yard waste sites, consistent with the City's current Recycling Services Timeline brochure that shows, during 2014, "Increase backyard composting education and expand organics drop off sites." Having SSO drop-off opportunities available will help to serve as a bridge until curbside SSO collection opportunities become available (the *Solid Waste Master Plan* requires all municipalities in Ramsey County to provide for residential SSO collection by 2016; commercial SSO collection services are currently only available on a limited basis within Ramsey County).

**Description of SSO Collection Services at Yard Waste Sites**

**Who will be served**

- Residents of Ramsey County.



- Possibly local community event coordinators that generate SSO from small events.
- In future, potentially small businesses in the county that generate food waste/SSO, such as restaurants.

#### Where

- Drop-off SSO capacity will be provided at all seven yard waste sites during regular yard waste hours.
- SSO and yard waste collection areas will be completely separate.

#### When

- Services will start in spring of 2014. SSO collection services will be available to the public during open yard waste site hours and days.
- Unlike yard waste in a cold-winter climate, food waste/organics are generated year-round. Thus, SSO will need to be accepted year-round and weekly at all the yard waste sites. Three sites, including the Midway and Frank & Sims sites, currently are open one weekend a month from December through March; starting in 2014 all seven sites will be open on all weekends throughout winter (and continue to be open Monday, Wednesday, Friday, Saturday and Sunday during spring, summer and fall).

#### What

- Acceptable materials will include food waste/scraps and various types of soiled/low-grade/non-recyclable paper (plus some other minor items typically accepted in SSO collection programs, such as dryer lint).
- Yard waste will continue to be managed separately.

#### How

- Bags
  - Materials will only be accepted in closed compostable bags (with a specific certification: "BPI-certified"), which will:
    - Reduce potential odors once delivered to the site,
    - Reduce the potential for materials to freeze to collection containers at the site, and
    - Comply with State law requiring that any bags delivered to compost facilities be BPI-certified compostable bags.
  - During 2014 and 2015 the County will purchase compostable bags in bulk and make them available to residents at no cost. Doing so will address the potential barrier to residents of the cost of bags.
- SSO collection: The Department will procure a contract with a vendor to provide suitable covered containers at the sites for SSO, and collect the SSO from them on a regular basis, or when called, for delivery to a properly permitted organics processing facility, such as an SSO composting facility.
- Sanitation: The program is designed to prevent adverse outcomes, such as odor or rodent problems, by requiring SSO to be bagged, providing for covered containers; and having regular collection of SSO by the vendor. Collection is generally planned to occur at least once per week but could increase during the summer months when use may be higher and/or warmer weather conditions may warrant increased collection frequency. Collection frequency may decrease during the winter months when projected slower use and colder temperatures allow for longer periods between hauling.
- Cost to residents: No user charge to residents at the sites.

#### Education and promotion:

- A promotion and education program will accompany launch of SSO collection at the yard waste sites, both to inform and generate interest in the program to residents, and to educate residents about which materials are acceptable, because significant contamination with unacceptable materials could deem loads of SSO to be unacceptable at a SSO processing facility.
- As part of the promotion, for 2014 and 2015 the County will provide compostable bags at no cost to residents.
- The education and promotion campaign will also include information about backyard composting.
- The Ramsey County Master Gardener program will be an important player in this campaign, assisting in communicating about SSO collection, as well as assisting with education at the yard waste sites (Saint Paul – Ramsey County Public Health has an ongoing contract with the Master Gardener program).

#### Labor

- Existing staff (yard waste monitors) will serve as quality control for SSO that is dropped off by residents. During busy yard waste periods (particularly portions of the spring and fall), additional labor may be needed to assist in quality control. The Department will explore the use of other labor resources, such as volunteers or Master Gardeners, to assist at these times.

#### Permits and licenses

- Minnesota Pollution Control Agency (MPCA) - All seven yard waste sites are approved permit-by-rule sites with the MPCA, and the County complies each year with annual reporting requirements. Ramsey County will submit an application for each site for the new MPCA SSO drop-off transfer station permit-by-rule requirement, which will become a simple amendment to the existing yard waste permits-by-rule.
- Municipal permits - County staff is working with all four host communities of the County's yard waste sites (Arden Hills, Mounds View, Saint Paul, and White Bear Township) to ensure that any necessary permit changes can be received well in advance of the proposed roll-out of SSO collection at the yard waste sites in the spring of 2014.

#### SSO participation

It is very difficult to estimate how many households will be interested in bringing SSO to the yard waste sites, and how often they might do so. The only local experience is in Saint Paul, where the Macalester-Groveland Community Council provides a SSO drop-off site in the parking lot of a local store. For initial estimating purposes, it is assumed that by the end of the first year that roughly 200 households will be using the sites at least somewhat regularly in the areas around each of the yard waste sites, except 100 households for sites with less frequent use—Battle Creek and White Bear Township. This totals to an estimated 1,200 households for the seven sites combined.

### **HOW CONDITIONS WILL BE ADDRESSED**

#### **Background on Ramsey County Midway and Frank & Sims Sites**

The County's yard waste sites in Saint Paul began as joint operations between district councils and the County in the mid-1980s. The County (Public Health) took over operation of all County yard waste sites

in 1990-91. These sites accepted leaves, grass clippings, and other soft-bodied plant material for composting.

In 1994, at the request of the District Five Planning Council, the County purchased land to create the Frank & Sims site, including the yard waste drop-off area at the time plus surrounding land. Included was the sizable buffer area to the north and west to ensure compliance with City municipal yard waste requirements; that area has now evolved into the Big Urban Woods educational area as a service to the nearby community.

The Midway site, leased from the BN, was moved by the railroad in 1997 to its current site, from a site ¼ mile east; both site areas are on the north side of Pierce Butler Route. The BN sold the site to Ramsey County in 2003.

In fall of 2003 the County Board sought to add acceptance of tree and shrub waste and processing into wood chips at four sites, including two in Saint Paul, the Midway and Frank & Sims sites. When Ramsey County in early 2004 sought to add tree and shrub waste for these two sites, the City required the County to apply for a Conditional Use Permit (CUP) and Determination of Similar Use (DSU) for each site. The City of Saint Paul Planning Commission approved Zoning File No. 04-033-328 for the Frank & Sims site (referred to as "xxCase") and Zoning File No. 04-035-391 for the Midway site (referred to as "xxPrior Ave. N"), each with several conditions, including a requirement that the Planning Commission review both permits in one year. In 2005 the Planning Commission confirmed the CUP/DSU for each site in Zoning File No. 05-059-402 (Case) and 05-059-403 (Prior).

In 2006 the City approved the Phalen/Atlantic plan amendment to the Phalen Corridor Development Strategy, including some zoning changes affecting the Frank & Sims yard waste site. Formerly a conforming conditional use, the site is now a legal nonconforming use. At the same time the City approved an amendment to the zoning code, currently listed as Section 62.106 (q), which allows existing municipal yard waste sites that are legally nonconforming in the light industrial restricted district to expand as a conditional use, even though new municipal yard waste sites are not permitted in such districts. A January 27, 2006, letter from Brian Alton, Chair of the Saint Paul Planning Commission, to the Ramsey County Board chair and County commissioners, states in part, "the amendment in Section 6[2].106 (q) will allow the yard waste site to expand subject to the standards under the conditional use process, thus providing the flexibility that County staff has sought. The yard waste site is highly regarded. There is nothing in the Phalen/Atlantic plan amendment or zoning study that is intended to detract from its ability to operate."

In 2013 the City has undertaken a study resulting in the West Midway Industrial Strategy, currently listed on a City web page as a draft document. While the Midway yard waste site is included in the boundaries of the study area, it is not apparent that any specific strategies would affect the site, other than continued designation as industrial for the portion containing the Midway site.

Since 2004 the Midway site has averaged about 116,000 site visits per year (ranging from about 105,000 to 139,000), and the Frank & Sims site has averaged about 73,000 site visits per year (ranging from about 61,000 to 87,000).

### **Addressing Conditions**

### CUP General Standards

Section 61.501 of the Saint Paul Zoning Code includes five general standards, each of which is addressed below. Ramsey County continues to operate in compliance with the CUP/DSI permits for the Midway and Frank & Sims sites, and the operations are essentially the same as they were in 2004 and 2005. Thus, the focus of this application is on acceptance of SSO at the sites.

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*

The current use of each site as a yard waste site continues to be in compliance with applicable zoning regulations, and the addition of the SSO drop-off area at each site will not have any negative impact on continued compliance with applicable zoning regulations. The 2006 Phalen/Atlantic plan amendment and zoning changes affected the Frank & Sims site by changing its status to a nonconforming use; however, the provisions of the 2004-5 CUP/DSU for the site has continued, and Section 62.206 (q) allows expansion of the conditional use. The 2010 *Saint Paul Comprehensive Plan* does mention an upcoming west Midway area industrial study; the draft 2013 West Midway Industrial Strategy does not appear to have a direct impact on the Midway yard waste site except to continue the current industrial designation.

The 2010 *Saint Paul Comprehensive Plan* includes mention of Sustainable Saint Paul. Addition of SSO drop-off areas at the County's yard waste sites in the City is consistent with one of the focal points of Sustainable Saint Paul, recycling and waste reduction. Since then the City has undertaken its *Recycle it Forward* process in 2012-13, which has led to upcoming changes to expand the City's recycling program, including in 2014, "Increase backyard composting education and expand organics drop off sites."

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

Ramsey County continues to operate the Midway and Frank & Sims sites as efficiently as possible in terms of traffic flow, especially during busy times in spring and fall when large numbers of residents seek to use the sites. Addition of the SSO drop-off area is not expected to increase traffic significantly, as the number of households dropping off SSO is expected to be relatively small (an estimated 200 households using each site at least somewhat regularly), and some SSO drop-off site users may already be using the sites to drop off yard waste. (The Midway and Frank & Sims sites average about 116,000 and 73,000 site visits per year, respectively.)

- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

The Frank & Sims site has been in its current location since the mid-1980s. The current Midway yard waste site has been in its current location since 1997, and the previous location ¼ mile east was in operation from the mid-1980s until 1997. Since the County took over operation of its yard waste sites in 1990-91 the County has sought to be a good neighbor at these and other yard waste sites. The County has been in compliance with the CUPs for both sites since the City approved and reviewed the

CUPs/DSUs for both sites in 2004-5. Addition of the SSO drop-off area will not have any detrimental effect on the immediate neighborhood, nor will it endanger the public health, safety and general welfare. Instead, the SSO drop-off area will offer residents an opportunity to help manage their organic waste in a productive manner instead of putting it in the trash. Any potential for odor production will be minimized because all SSO brought to the site must be in compostable bags, the bags will be placed in an enclosed container prior to pick-up, and the containers will be collected and transported to a SSO processing facility on a regular basis.

*(d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The current use as a yard waste site has been compatible with surrounding property at both sites for many years. Addition of the SSO drop-off area at each site will not have an impact on development and improvement of surrounding properties.

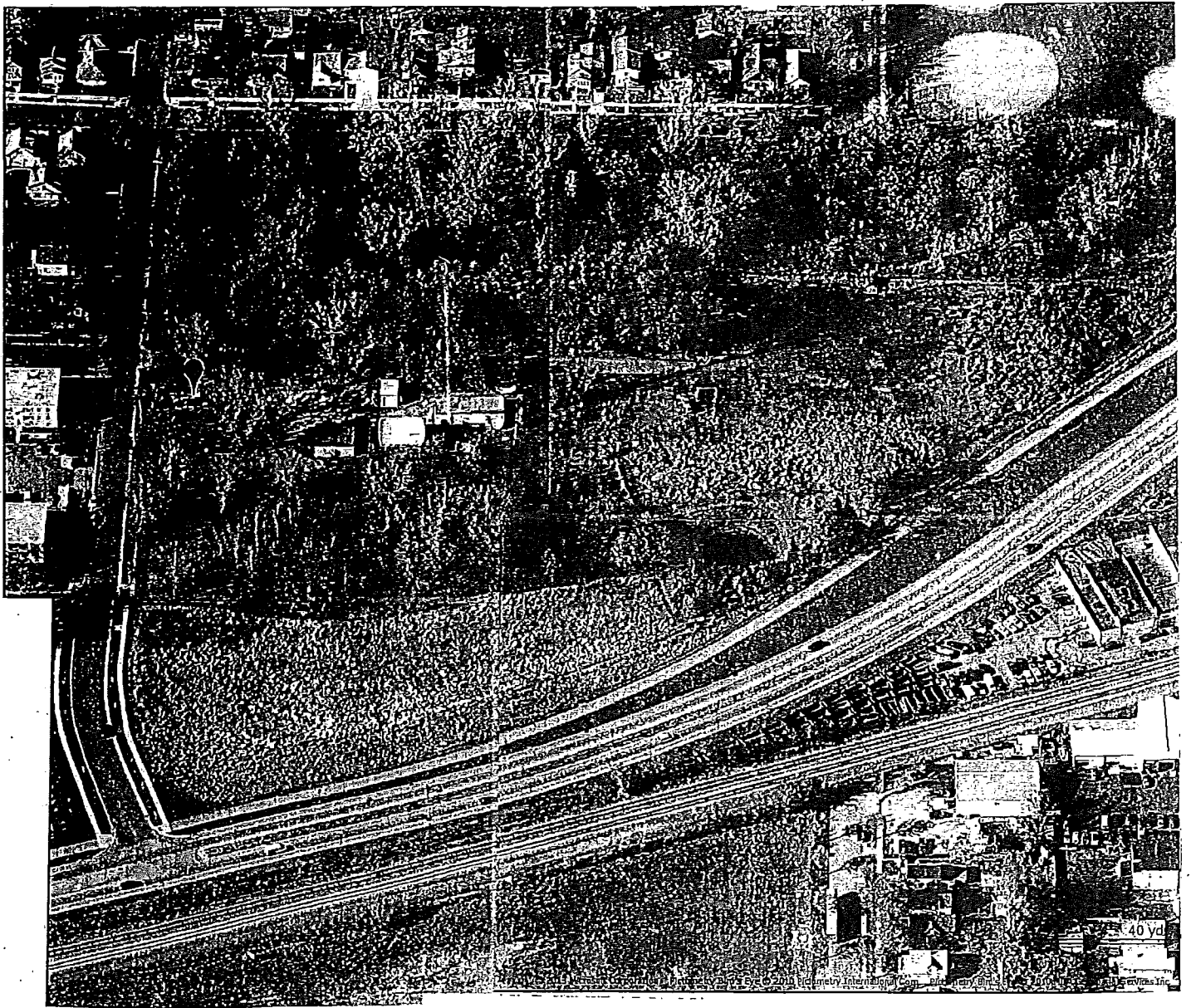
*(e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

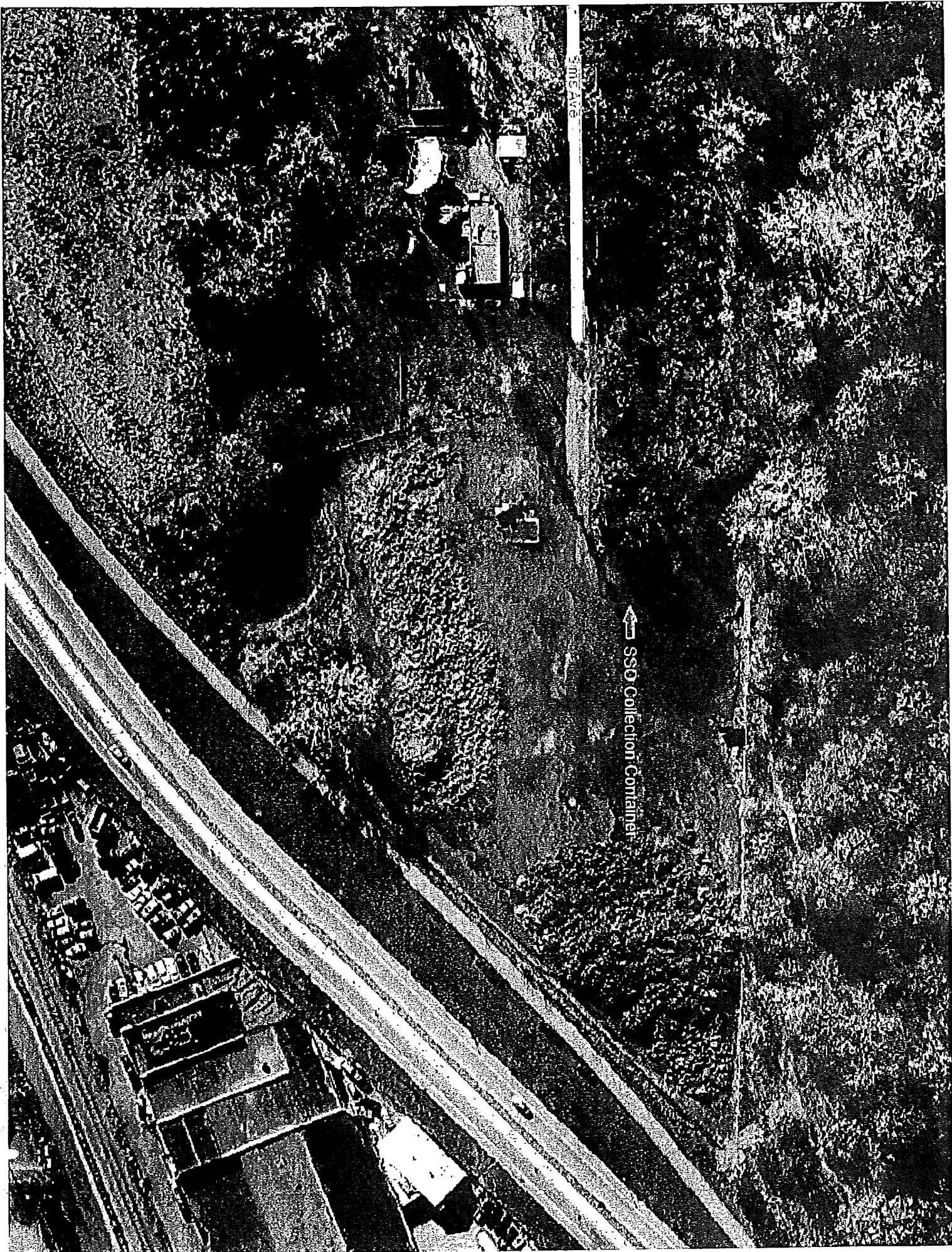
The current use of each site as a yard waste site continues to be in compliance with applicable zoning regulations, and the addition of the SSO drop-off area at each site will not have any negative impact on continued compliance with applicable zoning regulations.

#### Municipal yard waste site standards

The Midway and Frank & Sims sites continue to operate in accordance with all the requirements of Section 65.331, Yard waste site, municipal, which are also mirrored in the CUP conditions for each site.

Section 65.331 (a) requires that only yard waste and no other types of solid waste be accepted. City staff has indicated that it is seeking to have this provision amended to allow for acceptance of SSO at municipal yard waste sites, and managed on-site separately from yard waste.

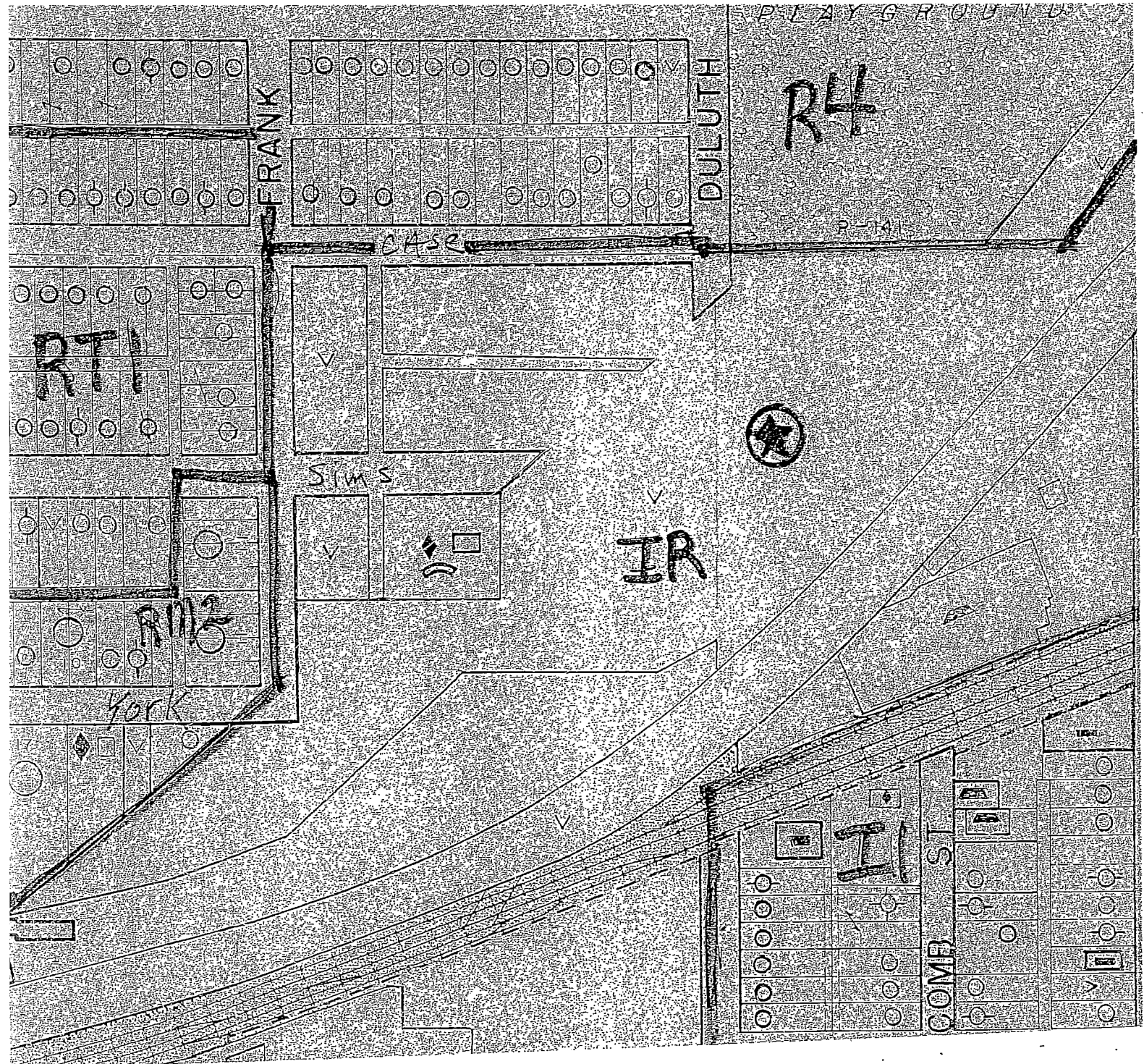




3015 Ave

↑ SSO Collection Container





APPLICANT ST. Paul-Ramsey City Public Health

PURPOSE CUP

FILE # 13-260676

DATE \_\_\_\_\_

PLNG. DIST 5

Land Use Map # 14

SCALE 1" = 100'

Zoning Map # 11

**LEGEND**

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant

north





## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** The Waters Senior Living **FILE #** 13-260-295
  2. **APPLICANT:** The Waters Senior Living **HEARING DATE:** January 16, 2014
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 678 Snelling Ave S, between Scheffer and Eleanor
  5. **PIN & LEGAL DESCRIPTION:** 10-28-23-33-0105, Macarthur E 190 Ft of W 240 Ft of Part Bet Eleanor Ave and Mac Arthur of SW 1/4 of Sec 10 T 28 R 23 and in SD Mac Arthur W 190 Ft of Lot 9 and all of Lot 8
  6. **PLANNING DISTRICT:** 15 **PRESENT ZONING:** B3
  7. **ZONING CODE REFERENCE:** §61.501; §66.331
  8. **STAFF REPORT DATE:** January 7, 2014 **BY:** Merritt Clapp-Smith
  9. **DATE RECEIVED:** December 20, 2013 **60-DAY DEADLINE FOR ACTION:** February 18, 2014
- 

- A. **PURPOSE:** Conditional use permit for fourteen (14) inches of additional building height (46 feet, 2 inches total) above the permitted forty five (45) feet for a residential building in a T3 zoning district.
- B. **PARCEL SIZE:** 40,580 sq. ft.
- C. **EXISTING LAND USE:** Funeral home (B3)
- D. **SURROUNDING LAND USE:**
  - North: Commercial (B3)
  - East: Single-family residential (R4)
  - South: Church (R4)
  - West: Commercial (B3)
- E. **ZONING CODE CITATION:** §66.331(g) states that a maximum height of ninety (90) feet may be permitted [in a T3 district] with a conditional use permit; §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** The Waters Senior Living has a purchase agreement to buy and redevelop the Bradshaw Funeral Home (built in 1962) site at 678 Snelling Avenue South into a 4-story senior living facility with 80 units. To enable the project to proceed as proposed, they have applied for:
  - (1) Rezoning (#13-253-015) from B3 to T3 (rezoning to be heard by City Council on Feb. 5, 2014).
  - (2) Conditional Use Permit (#13-260-295) for fourteen (14) inches of additional building height (46 feet, 2 inches total) above the permitted forty five (45) feet for a residential building in a T3 district.
  - (3) Variances for a driveway setback from the adjacent single-family residential to allow construction of a drive lane from Eleanor to the underground parking garage, and for a reduction to the minimum required green space per unit for an assisted living project in a traditional neighborhood district.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 15 submitted a resolution of support for the property rezoning and the project in mid-December 2013.
- H. **FINDINGS:**
  1. §61.501 lists five standards that all conditional uses must satisfy:
    - a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The project as proposed is consistent with the Comprehensive Plan. The Land Use Plan map identifies this section of Snelling Avenue as a "Mixed Use Corridor" appropriate for a range of uses at densities of 30-150 units per acre. This project proposes 80 units on 0.93 acres or about 75 units/acre. In addition, the Housing Chapter, Figure H-K, identifies this area of Snelling Avenue as an "opportunity area for potential new housing".

- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The property will have driveway access off of Eleanor Street, a safe distance away from the Snelling intersection where primary ingress and egress will not conflict with the high traffic volumes of Snelling Avenue. A small drop off and pick up area, recessed into the boulevard in front of the Snelling Avenue building entrance, will provide a convenient location for quick stops and reduce visitor traffic to the Eleanor driveway.
- c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed project is consistent with the mixed residential and commercial character of Snelling Avenue South and with the allowed scale of development in the RM2 district which is interspersed along Snelling Avenue within a ½ mile of the site.
- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. An assisted living development is a good fit for the neighborhood and will provide a new, well-designed building that fits in with nearby uses and brings new residents and visitors to the area.
- e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* The project has applied for two variances for driveway setback and total green space (#13-253-080) and for rezoning to T3 traditional neighborhood (#13-253-013). Regarding all other applicable regulations, this condition is met.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends that the Conditional Use Permit to allow a building of forty six (46) feet two (2) inches in height -- fourteen (14) inches above the permitted height of forty five (45) feet -- be approved subject to the following additional conditions:

1. The property is rezoned from B3 to T3.
2. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.



# CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

700 1-16-14

Zoning office use only	
File #	13-260295
Fee:	
Tentative Hearing Date:	
1-16-14	

PD=15

## APPLICANT

Name The Waters Senior Living (contact: Jay Jensen)  
Address 1600 Hopkins Crossroad  
City Hopkins St. MN Zip 55306 Daytime Phone (952) 358-5100  
Name of Owner (if different) Bradshaw Funeral Group  
Contact Person (if different) Jim Bradshaw Phone

## PROPERTY LOCATION

Address / Location 678 Snelling Ave. S.  
Legal Description See submitted survey.  
Current Zoning B3, under consideration  
(attach additional sheet if necessary) for rezone to T3

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of  
Chapter 66, Section (Division) 3, Paragraph Table 66.331, footnote (e) of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

Please see the attached narrative.

☐ Required site plan is attached

Applicant's Signature

Date

12/18/13

City Agent

pd  
12-20-13

## CONDITIONAL USE PERMIT APPLICATION NARRATIVE

The Waters of Highland Park

12.20.2013

Section 61.501 general standards for a Conditional Use Permit:

1) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan.

*The proposed rezoning to T3 and the proposed use for this site are in compliance with the Saint Paul Comprehensive Plan.*

2) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.

*The proposed project has been reviewed with city staff and the driveway has been located to provide adequate ingress and egress from the site, and maximizes both pedestrian and vehicular safety by locating this drive access away from Snelling Avenue. A summary of traffic findings has also been provided to city staff, and states that the majority of trips generated by this project will utilize Snelling Avenue, which has capacity to handle these trips with no changes, and that there will be very little utilization of the residential side streets by trips generated by the proposed project.*

3) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.

*The proposed project will reinforce the mixed commercial and residential nature of the Snelling Avenue corridor, and does not endanger public health, safety, and welfare.*

4) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

*The proposed project will not impede the development of surrounding property for uses permitted in the district.*

5) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

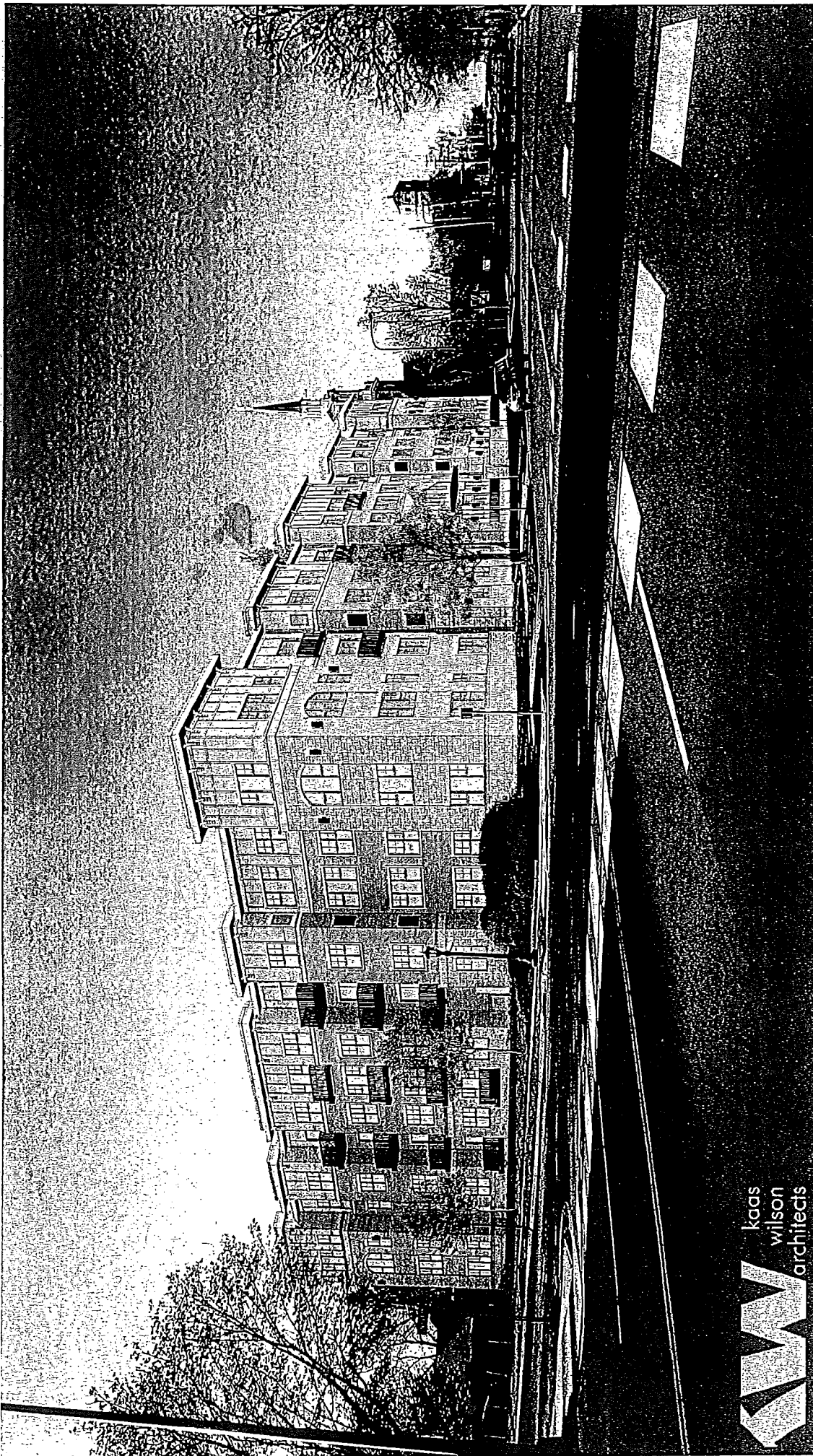
*The proposed project conforms to the applicable regulations of the district in which it is seeking rezoning (T3), with the exception of height (for which this CUP is sought – see below), and the variances sought for resident green space and driveway location.*

Section 61.502 allows for the modification of special conditions:

The CUP applied for herein is sought to address the maximum height allowed for in a multifamily use within a T3 zoning. The height of the proposed building, from average grade to roof deck (flat roof) is 46'-2", exceeding the height limit for a multifamily use within a T3 zoning by 1'-2". As the proposed building height is less than 2' over what is allowed for a multifamily use and still considerably less than the 55' limit allowed for a mixed-use building in the T3 zoning, staff has not required that a shadow study be provided. The height of the building is based on a nominal 9' ceiling height for each floor in the "house" portion of the building, which is a common ceiling height for the homes in the area, and is a reasonable expectation for residents that may consider living at The Waters of Highland Park.

All setback requirements for a multifamily use within the T3 zoning are either met or exceeded.





**KW** kaas  
wilson  
architects



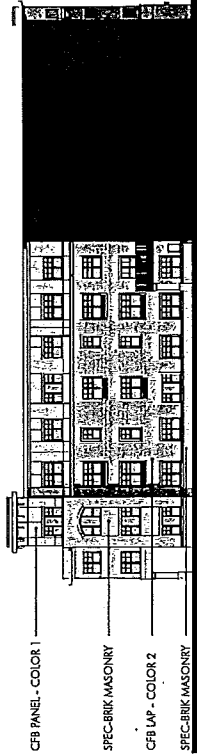
SNELLING AVENUE - WEST ELEVATION

- CFB PANEL - COLOR 1
- SPEC-BRICK MASONRY
- CFB LAP - COLOR 2
- SPEC-BRICK MASONRY



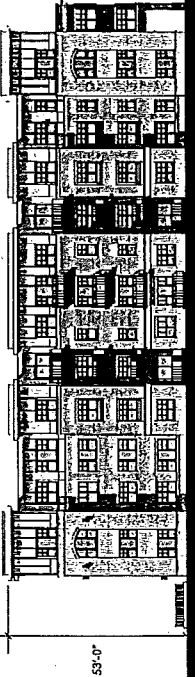
NORTH ELEVATION

- CFB PANEL - COLOR 1
- SPEC-BRICK MASONRY
- CFB LAP - COLOR 2
- SPEC-BRICK MASONRY

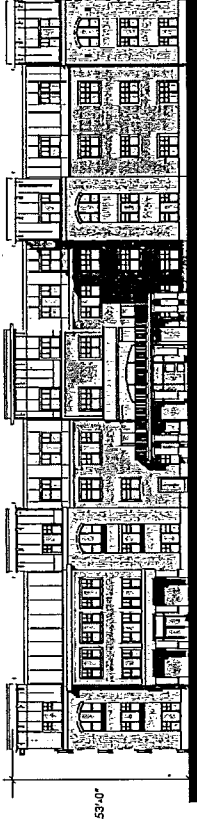


INTERIOR COURTYARD - NORTH ELEVATION

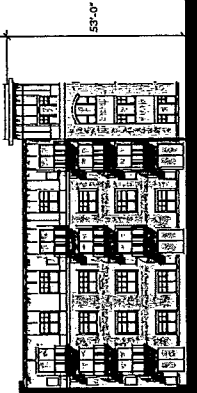
- CFB PANEL - COLOR 1
- SPEC-BRICK MASONRY
- CFB LAP - COLOR 2
- SPEC-BRICK MASONRY



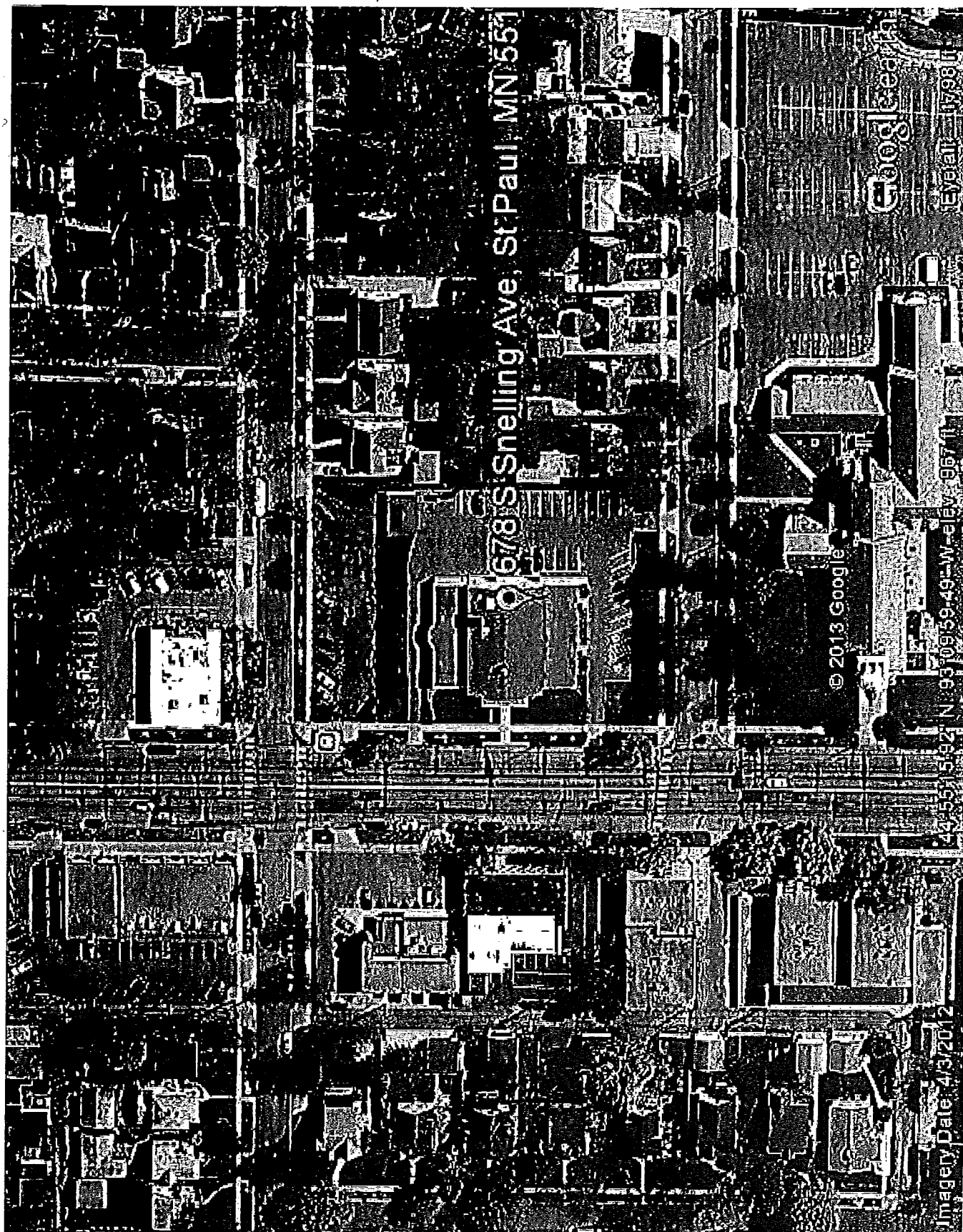
SOUTH ELEVATION



INTERIOR COURTYARD - EAST ELEVATION



INTERIOR COURTYARD - SOUTH ELEVATION





BRIMHALL ST

SCHEFFER AVE

SNELLING AVE S

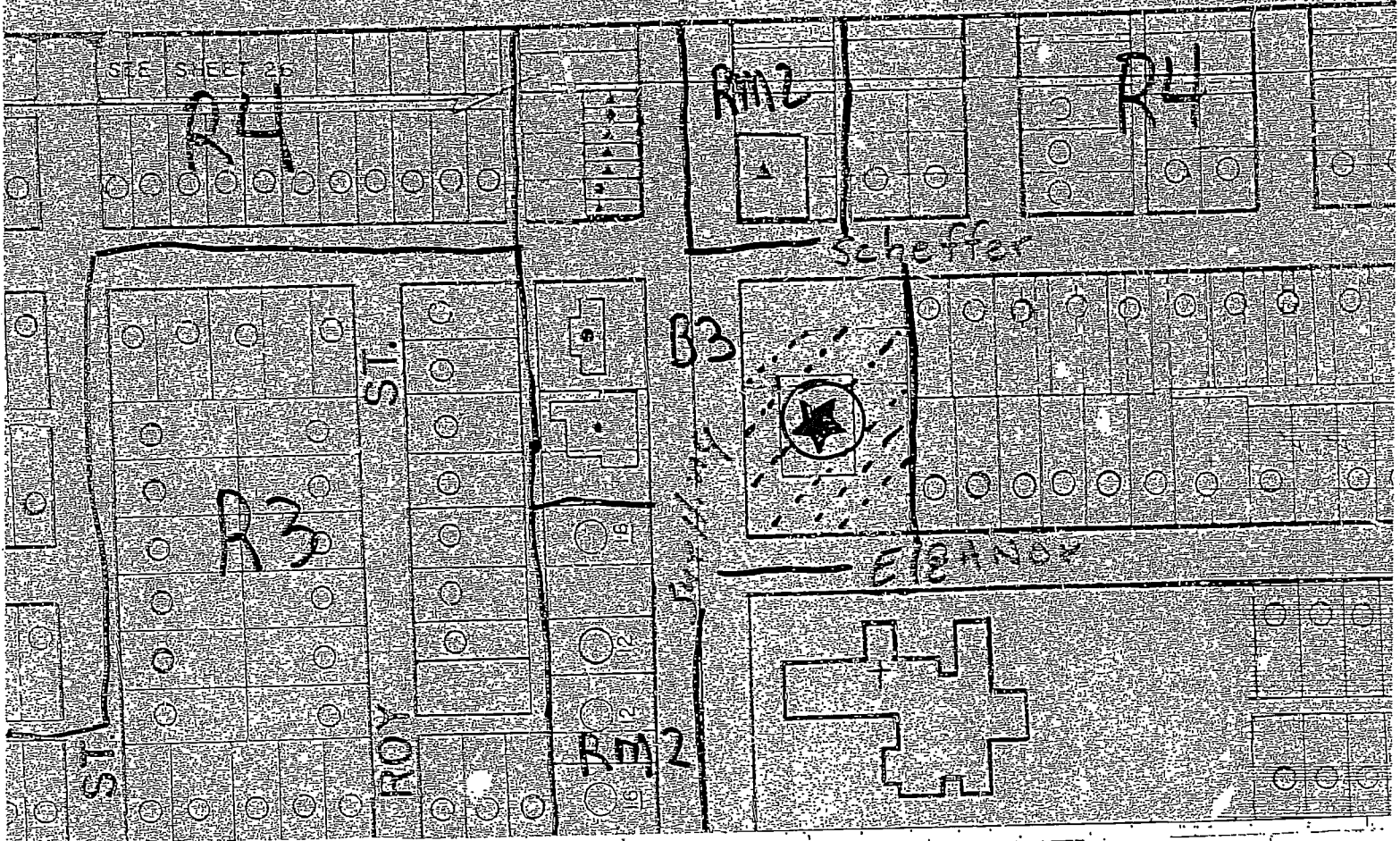
ELEANOR AVE

HIGHLAND F



(105)

ROY ST S



APPLICANT The Waters Senior Living

PURPOSE CLUP w/ variance

FILE # 13-260295 DATE 12-26-13

PLNG. DIST 15 Land Use Map # 34

SCALE 1" = 400' Zoning Map # 20

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant



## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** The Waters Senior Living **FILE #:** 13-253-080
  2. **APPLICANT:** The Waters Senior Living **HEARING DATE:** January 16, 2013
  3. **TYPE OF APPLICATION:** PC Variance
  4. **LOCATION:** 678 Snelling Ave S, between Scheffer and Eleanor
  5. **PIN & LEGAL DESCRIPTION:** 10-28-23-33-0105; Macarthur E 190 ft of W 240 ft of Part Bet Eleanor Ave and Mac Arthur of SW 1/4 of Sec 10 T 28 R 23 and in SD Mac Arthur W 190 ft of Lot 9 and all of Lot 8
  6. **PLANNING DISTRICT:** 15 **PRESENT ZONING:** B3, *but T3 rezoning application to be heard by Saint Paul City Council on February 5, 2014.*
  7. **ZONING CODE REFERENCE:** §61.202(b); §63.310(c); §65.182(c)
  8. **STAFF REPORT DATE:** December 4, 2013; revised January 7, 2014 **BY:** Merritt Clapp-Smith
  9. **DATE RECEIVED:** Nov. 21 & Dec. 20, 2013 **60 DAY DEADLINE FOR ACTION:** January 20, 2014  
**Deadline extended to March 20, 2014**
- 

- A. **PURPOSE:** Variance for driveway setback from adjacent single-family residential; and variance for green space requirement for assisted living facility in a traditional neighborhood district.
- B. **PARCEL SIZE:** 40,580 sq. ft.
- C. **EXISTING LAND USE:** Funeral home (B3)
- D. **SURROUNDING LAND USE:**  
North: Commercial (B3)  
East: Single-family residential (R4)  
South: Church (R4)  
West: Commercial (B3)
- E. **ZONING CODE CITATION:** §61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of MN Stat. 462.357, Subd. 6.  
§63.310(c) requires that entrances and exits for parking facilities on land zoned other than RL-RT2 shall be setback twenty five (25) feet from adjacent properties zoned RL-RT2.  
§65.180 *Assisted Living* states that Standards and Conditions are defined per §65.182 *Nursing Homes*, and specifically for green space standards -- §65.182(c) *In traditional neighborhood development districts, the site shall contain a minimum of one hundred fifty (150) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities.*
- F. **HISTORY/DISCUSSION:** The Waters Senior Living has a purchase agreement to buy and redevelop the Bradshaw Funeral Home (built in 1962) site at 678 Snelling Avenue South into a 4-story senior living facility with 80 units. To enable the project to proceed as proposed, they have applied for:  
(1) Rezoning (#13-253-015) from B3 to T3 (to be heard by City Council on Feb. 5, 2014).  
(2) Conditional Use Permit (#13-260-295) for fourteen (14) inches of additional building height (46 feet, 2 inches total) above the permitted forty five (45) feet for a residential building in a T3 zoning district.  
(3) Variances for a driveway setback from adjacent single-family residential to allow a drive lane from Eleanor to the underground parking, and for a reduction to the minimum required green space per unit for an assisted living project in a traditional neighborhood district.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 15 submitted a resolution of support for the property rezoning and the project in mid-December 2013.

## H. FINDINGS:

NOTE: In the findings below, the two variances are addressed separately.

1. DRIVEWAY -- The drive lane is proposed to be located within 3.2 feet of the adjacent single-family residential property at 1559 Eleanor Avenue. Section 63.310(c) of the zoning code states that *"Entrances and exits to and from all parking facilities located in land zoned other than RL-R2 shall be at least twenty-five (25) feet from any adjoining property in RL-RT2 zoning districts,"* therefore requiring a variance 21.8 feet.

GREEN SPACE -- Section 65.182(c) of the zoning code states that 150 square feet of green space is required per resident for an assisted living project. "The Waters" building is proposed as 80 units with an estimated 90 residents, therefore requiring 13,500 square feet of green space. The proposed green space in a courtyard and rear yard totals 9,037 square feet (67% of the total required), for a variance of 4,463 square feet.

2. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:

- a) *The variance is in harmony with the general purposes and intent of the zoning code.*

DRIVEWAY -- This finding is met. The general intent of driveway setbacks is to manage vehicular traffic in a manner that is safe and predictable. The location of the proposed driveway onto Eleanor will be visible to and from the adjacent residential property within the sidewalk and boulevard right-of-way, where all drivers are expected to stop and look before entering or exiting the street. This will provide the opportunity for drivers who wish to access or exit the adjacent driveways to determine the order of their movements if another vehicle is present. In addition, placement of the driveway at the east end of the lot provides ample distance from the Snelling intersection, allowing pedestrians on Snelling and Eleanor and drivers to see one another as vehicles enter and exit the driveway.

GREEN SPACE -- This finding is met. The project provides common outdoor yard space, patios and balconies for the residents to use in a manner consistent that is with the intent of the code and is sufficient for residents of this type of facility.

- b) *The variance is consistent with the comprehensive plan.*

DRIVEWAY -- This finding is met. Transportation Plan Strategy 1.7 states, *"Minimize and consolidate driveway cuts on commercial streets as opportunities arise -- For pedestrian safety and comfort and to maximize on-street parking, discourage curb cuts where alleys or side streets are accessible."* The applicant is proposing placement of the driveway on a side street instead of on Snelling Avenue and is locating it away from the Snelling and Eleanor intersection.

GREEN SPACE -- This finding is met. Page 2 of the Housing Chapter states, "...greater housing density will be the hallmark of the next 20-30 years. In recognition of the importance of the stability of existing neighborhoods to Saint Paul's future, this density should primarily be geographically focused on transit and commercial corridors..." There is tension between the Comprehensive Plan goal of greater housing density on transit and commercial corridors and the green space requirement for assisted living projects in traditional neighborhood districts, where greater density is generally sought. If this housing project, which is a standard four (4)-story format, was to meet the required green space, one third (1/3) of the site would be dedicated green space.

- c) *The applicant has established that there are practical difficulties in complying with the provision that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical*

*difficulties.*

DRIVEWAY -- This finding is met. The driveway is placed in a location that best fits the other requirements and constraints of the site. Driveway access on Eleanor Avenue at the east end of the site allows a continuous façade along Snelling Avenue and provides a safer location for ingress and egress away from the traffic of Snelling Avenue. The proposed location of the building close to Snelling and Eleanor Avenues, with parking access to the side/rear, is consistent with zoning and design standards for building and parking placement in pedestrian-oriented commercial districts (Section 63.110(c)) and in a T3 zoning district.

GREEN SPACE -- This finding is met. The green space requirement would set aside 13,500 square feet, or 33% of the 40,580 square foot site for green space. This is a large proportion of the lot for a major transit corridor, where dense development is generally encouraged. The quantity also seems in excess of what is needed by the residents, particularly since the applicant has found on previous similar projects that the greatest demand for common space from the residents is inside the building.

- d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

DRIVEWAY -- This finding is met. The site, project, and zoning requirements provide little option for driveway placement. If this property was adjacent to a similarly zoned parcel, the driveway setback requirement would be 0 feet.

GREEN SPACE -- This finding is met. The property is a typical, tight urban lot on valuable land along a transit corridor. Lots that are large enough for senior living projects (which are generally large scale to support the shared services) are difficult to find in appropriate locations in the central city. This location is well suited to such a project, being in a largely residential area, along a walkable, mixed-use corridor, and with good transit service.

- e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

DRIVEWAY and GREENSPACE -- This finding is met if the property is rezoned from B3 to T3, where senior assisted living is a permitted use.

- f) *The variance will not alter the essential character of the surrounding area.*

DRIVEWAY and GREENSPACE -- This finding is met. The variances pertain to driveway placement and the amount of green space for residents. These variances, if granted, will not impact the essential character of the area -- it will remain a largely residential neighborhood along a mixed-use corridor with projects of varying height.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the variances for driveway setback and green space, subject to the following additional conditions:

1. The property is rezoned from B3 to T3.
2. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.



# APPLICATION FOR ZONING VARIANCE

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning office use only

File number

13-253080

Fee

Tentative hearing date

12-12-13

Section(s)

City agent

PD=15

# 658-102823330104  
# 678-102823330105

## APPLICANT

Name JAY JENSEN

Company THE WATERS SENIOR LIVING

Address 1600 HOPKINS CROSSROAD

City MINNETONKA

State

MIN

Zip

55305

Daytime Phone (952) 358-5100

Property interest of applicant (owner; contract purchaser, etc.) CONTRACT PURCHASER (P.A. IN PLACE)

Name of owner (if different) CURRENT PROPERTY OWNER IS BRADSHAW FUNERAL HOME

## PROPERTY

Address/Location 678 SNELLING AVENUE SOUTH

Legal description SEE ATTACHED SURVEY

(attach additional sheet if necessary)

Lot size 0.74 ACRES

Present Zoning

B3

Present Use

FUNERAL HOME

Proposed Use SENIOR LIVING (ASSISTED LIVING & MEMORY CARE)

Variance[s] requested: A VARIANCE IS BEING REQUESTED TO ALLOW A DRIVE ACCESS TO THE GARAGE OF THE PROPOSED SENIOR LIVING BUILDING, ALONG THE EAST SIDE OF THE SITE. SEE ATTACHED NARRATIVE FOR FURTHER INFORMATION, AS WELL AS ATTACHED SURVEY, ZONING MAP, AND PROPOSED SITE PLAN.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

Attachments as required:



Site Plan



Attachments



Pro Forma

Applicant's signature

[Signature]

Date

11/6/10

## APPLICATION FOR ZONING VARIANCE – NARRATIVE

The Waters of Highland Park – 678 Snelling Ave. S.



11.21.2013, Revised 12.3.2013 to reflect drive access off Eleanor Avenue

The Waters Senior Living has a purchase agreement in place for 678 Snelling Avenue S. The site is currently occupied and owned by Bradshaw Funeral Home. If rezoning is approved, the existing structures would be demolished to make way for a new senior living building, providing assisted living and memory care services.

In an attempt to provide as much green space for residents, all resident and staff parking will be accommodated in an underground garage. With such tight site conditions, the options for placement of the drive down to the garage are extremely limited. The proposed location and orientation of the garage access drive is depicted in the attached site plan. The drive starts off close to the adjacent residential zoning at the street access, but then angles away from the adjacent residential zoning once the drive passes the southern leg of the building. The drive has been located to be accessed off of Eleanor Avenue, as city staff (David Kuebler and Tom Beach) have indicated that this would be the preferred access location for this site. A variance is required for this drive location, due to the proximity of the drive to the adjacent residential zoning. To a large extent, the vast majority of the residents in a senior living building like this do not drive, so the traffic in/out of this drive will largely just be staff.

It is proposed that privacy fence screening (height as permitted by city requirements) and landscaping would be incorporated in the final site plan and design for the proposed project, for the full length of the drive.

The Waters Senior Living has been in contact with the adjacent residential property owners as well as the Highland Park District Council throughout the development of the proposed project's design, and all parties have expressed support for the proposed project.



**APPLICATION FOR ZONING VARIANCE**  
*Department of Safety and Inspections*  
375 Jackson Street  
Suite 220  
Saint Paul, MN 55101-1806  
General: 651-266-9008  
Fax: (651) 266-9099

**Zoning office use only**

File Number:

Fee: \$

Tentative Hearing Date: 1-16-13

Section(s)

City agent

PD=15

**APPLICANT**

Name Jay Jensen Company The Waters Senior Living  
Address 1600 Hopkins Crossroad  
City Hopkins St. MN Zip 55305 Daytime Phone (952) 358-5100  
Property Interest of Applicant (owner, contract purchaser, etc) Contract Purchaser (P.A. in place)  
Name of Owner (if different) Bradshaw Funeral Group Phone \_\_\_\_\_

**PROPERTY  
INFORMATION**

Address / Location 678 Snelling Ave. S.  
Legal Description See submitted survey.  
(attach additional sheet if necessary)  
Lot Size 0.94 acres Present Zoning B3 Present Use Funeral Home  
Proposed Use Senior Living (Assisted Living & Memory Care)

**Variance[s] requested:** A variance is being requested to allow less greenspace than the 150 s.f. per resident called for in Sec. 65.180.

**Supporting Information:** Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

The greenspace requirement listed in Sec. 65.180 for 90 residents results in a requirement of 13,500 s.f. of greenspace for this project, which represents 33% of the overall site. The site is very small, and this greenspace requirement represents a hardship to the project. The current site plan provides 9,714 s.f. of open space on site, which accounts for 24% of the overall site.

For comparison, The Waters on 50th (& Beard), a similar project in terms of building size/number of residents and being an urban site, has 6,000 s.f. of landscaped therapeutic gardens. The Waters feels that this amount of green space for the Waters on 50th is fully adequate for their programming needs.

Attachments as required:



Site Plan



Attachments



Pro Forma

Applicant's Signature

Date

12/20/13



1600 HOPKINS CROSSROAD  
MINNETONKA, MINNESOTA  
55305-2026

952-358-5177

December 23, 2013

Merritt Clapp-Smith  
Senior City Planner  
Planning and Economic Development  
25 West 4<sup>th</sup> Street, 1400  
Saint Paul, MN 55102

Subject: Waters of Highland Park Green Space Variance

Dear Merritt:

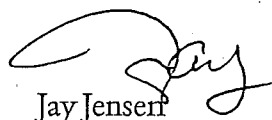
First of all, thank you for your help with our rezoning, variances and conditional use permit that are critical to making The Waters of Highland Park a reality. We look forward to developing and operating the eighty-unit assisted living community that creates over \$22 million of new development, 40 new jobs and eighty new homes for seniors who need additional services to thrive.

As you know, urban sites are often size constrained and need creative design to optimize the new use. In the case of The Waters of Highland Park, we are requesting a variance to the 13,500 square foot green space requirement because we can only create 9,714 square feet of green space or 3,786 square feet below the requirement. The green space that we do have in the "U" of the building will be designed for the senior residents to use in a safe and secure environment. We had a similar challenge with The Waters on 50<sup>th</sup> in Minneapolis which has approximately 6,000 square feet of green space for ninety assisted living units.

Senior residents living at our assisted living communities have an average age in the eighties and to provide them with a living environment in which they can thrive we incorporate approximately one-third of the interior living space as common areas which amounts to approximately 32,000 square feet. These interior community spaces include the dining room, well-being rooms, community rooms, beauty shop and spa, a bistro and other senior orientated community spaces.

In summary, while we do not quite meet the green space requirement, we do incorporate over 30,000 square feet of interior community space to complement the 9,714 square feet of green space. Thank you for your consideration of this variance.

Sincerely,



Jay Jensen  
Principal

## Request for Continuance

Date 12/18/2013

Gaius Nelson, Chair  
Zoning Committee  
City of Saint Paul  
1400 City Hall Annex  
Saint Paul, Minnesota 55102

Re: Zoning File # 13-253080 for a variance to driveway setback for the proposed "Waters" project

Dear Mr. Nelson:

I am the applicant or the applicant's duly appointed representative for this zoning file.

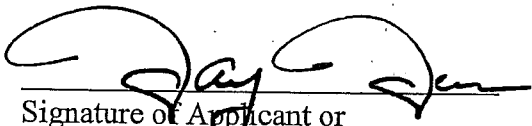
I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on January 2, 2014.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for January 10, 2014, will also be continued.

I request that the Zoning Committee continue the public hearing for this zoning file to January 16, 2014, I understand that the Planning Commission would then be scheduled to make their decision on January 24, 2014.

I am aware of and understand the statutory requirements found in Minn. Statue § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. §15.99 by another sixty days to March 20, 2014, to accommodate the continuance I am requesting.

Sincerely,



Signature of Applicant or  
Applicant's duly appointed  
representative



Printed name of Applicant or  
Applicant's duly appointed  
representative



1486 Scheffer Ave.  
St. Paul, MN 55116

Dec. 29, 2013

Zoning Committee  
St. Paul Planning Commission  
1400 City Hall Annex  
25 Fourth Street West  
St. Paul, MN 55102

Re: 13-253-080 The Waters Senior Living

I am writing to inquire what community communication process has occurred surrounding the construction of the Waters of Highland Park at 678 Snelling Ave. As a homeowner on the affected block of Scheffer Ave., I first heard of this project in an article in the current Dec. 18 issue of the Villager.

According to minutes on the websites of the Community Development Committee of the Highland District Council, a community meeting was referred to by the developer, but no notifications of such a meeting were ever received by myself or my neighbors. No documentation is provided that such a meeting actually took place or who attended it or what issues were raised. Approval for this massive project to be built at the end of our block was already passed at your last meeting, but this should be reconsidered if there indeed was not community input.

The west ends of both Scheffer Ave and Eleanor Ave at Snelling are rental property. Any notification to those owners was unlikely to inform anyone in the immediate neighborhood, including their renters, of the impending nature of this project. Nor were absentee landlords likely to be concerned with the impact of the footprint of the proposed Waters of Highland development.

From the available material online at the Highland District Council and Zoning Committee websites, the proposed new building will closely abut the property lines, have minimum green space around it and will tower over the neighboring single family homes not only immediately adjacent to the site but for many lots further into the neighborhood. The height, mass and square character of the proposed building are likely to put many lots in shadow, changing the neighborhood aesthetic. My fear is that many more homes at the west ends of these blocks will become rental instead of owner occupied as a result of this construction project.

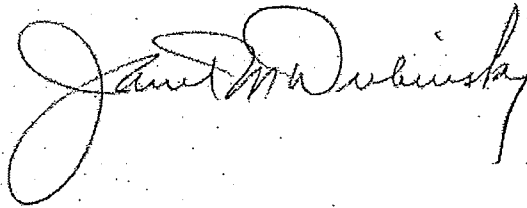
From what I can glean from the various minutes online, no consideration has been given to the increased traffic such a facility will bring to our residential streets. Families do visit relatives who live in these facilities and their visits will create both increased traffic and parking demands on our streets. The underground parking is described for staff. Already it is difficult to make a left turn from Scheffer or Eleanor onto Snelling. Will a stoplight be installed at the Scheffer-Snelling intersection to accommodate this increased traffic?

From my own experience caring for parents in similar facilities, comfortable and accessible egress and ingress are critical for this aged tenant. The project plans do not include any sort of pick up and drop off site for the seniors who will be living in the building. The formal entrance faces Snelling where no one will feel comfortable parking and trying to load a senior from a wheel chair or walker into their car while surrounded by traffic. The north side entrance facing the Hodroff parking lot is a tiny door with no lobby associated with it, so no senior will feel comfortable waiting for family at that location. At neither entrance will seniors be sheltered from inclement weather.

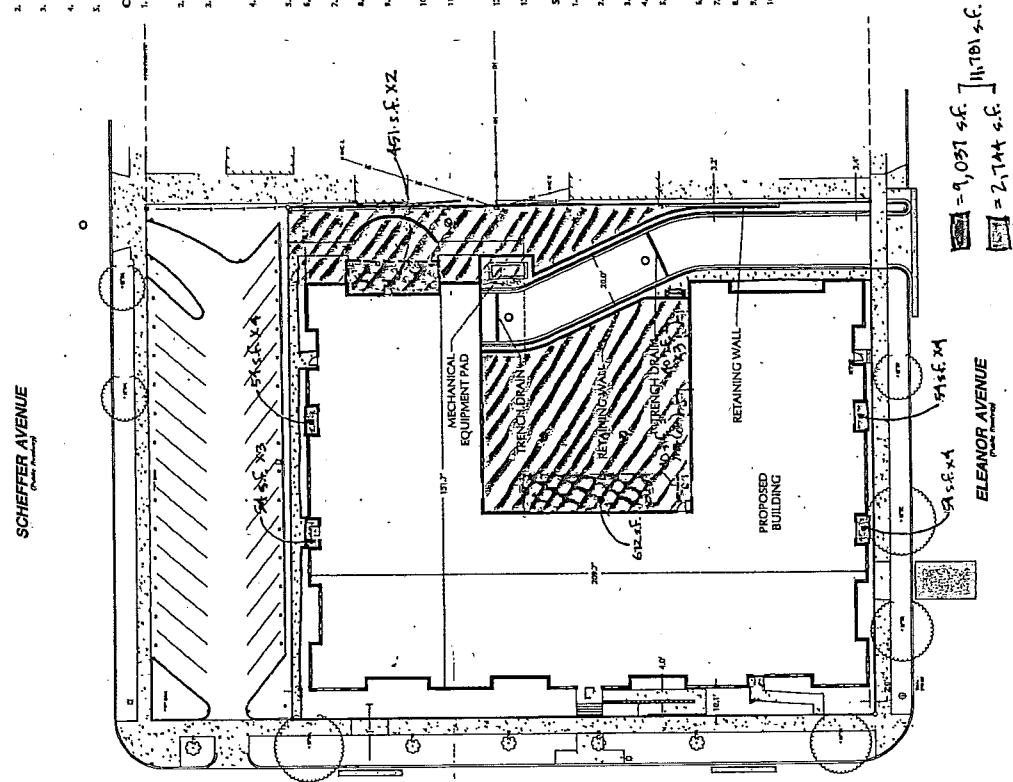
Apparently the only obstacle remaining to the construction of this oversized building is the variance to place the driveway within 3 feet of the property line instead of the required 25 feet. I want to register my formal opposition to that variance as it will permit this massive building to be placed immediately adjacent to existing single family homes. Respecting the 25 foot setback will provide a minimum of visual and auditory buffer space between this large building and the neighborhood.


I have no objection to the idea of building a senior facility at the end of our block. However, the planners of such a project need to position and proportion it so that it will blend into the existing neighborhood aesthetic and to provide accommodations for the prospective tenants and their families so that building access does not disrupt the quiet nature of the neighborhood behind them.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet M Dubinsky". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Janet M Dubinsky


$$\begin{aligned} \boxed{9.037} &= 9,037 \text{ s.f.} \\ \boxed{2.744} &= 2,744 \text{ s.f.} \end{aligned} \quad ] 11,781 \text{ s.f.}$$

 CALL BEFORE YOU RENT  
**Gopher State One Call**  
TENN. CITY AREA: 631-43-0002  
TOLL FREE: 1-800-253-1188

**LOCAL ASSOCIATES**

Planning • Civil Engineering • Land Surveying  
Landscaping/Horticulture • Environmental

**The Waters of  
Highland Park**  
878 Beading Avenue South  
Saint Paul, MN 55116

**The Waters Senior  
Living, LLC**

Project Number	13448
Date	10/25/2013
Drawn By	TDO
Checked By	MLB

NOT FOR CONSTRUCTION

SITE PLAN  
C2-1

**CITY OF ST. PAUL, PERMIT REQUIREMENTS**

1. DRINKING WATER AND SEWAGE TREATMENT PLANTS: CONTRACT PUBLIC WORKS RIGHT OF WAY PERMIT DUE AT 10:31:56A.M. IS A STRONGLY RECOMMENDED THAT CONTRACTOR CALL ST. PAUL PERMITTING DEPARTMENT AT 651-224-5600 FOR MORE INFORMATION.

2. CONSTRUCTION PERMITS FOR THE CONSTRUCTION MUST OBTAIN AN OBSTRUCTION PERMIT FOR ALL OBSTRUCTIONS INCLUDING BUT NOT LIMITED TO BLOCK CITY STREET, SIDEWALKS OR ALLEYS, OR A SHOWN OVER CULVERT.

3. SEWAGE TREATMENT PLANTS: ALL WORKING IN THE PUBLIC RIGHT OF WAY MUST BE COMPLETED BY 10:31:56A.M. THE PERMITTER IS REQUIRED TO BE CLOSE TO THE RIGHT OF WAY, AND THE PERMITTER MUST OBTAIN A PERMIT FROM THE CITY OF ST. PAUL PERMITTING DEPARTMENT AT 651-224-5600 FOR MORE INFORMATION.

4. CONSTRUCTION PERMITS FOR THE CONSTRUCTION MUST OBTAIN AN OBSTRUCTION PERMIT FOR ALL OBSTRUCTIONS INCLUDING BUT NOT LIMITED TO BLOCK CITY STREET, SIDEWALKS OR ALLEYS, OR A SHOWN OVER CULVERT.

5. SEWAGE TREATMENT PLANTS: ALL WORKING IN THE PUBLIC RIGHT OF WAY MUST BE COMPLETED BY 10:31:56A.M. THE PERMITTER IS REQUIRED TO BE CLOSE TO THE RIGHT OF WAY, AND THE PERMITTER MUST OBTAIN A PERMIT FROM THE CITY OF ST. PAUL PERMITTING DEPARTMENT AT 651-224-5600 FOR MORE INFORMATION.

6. REQUIREMENTS TO WORK IN THE PUBLIC RIGHT OF WAY: ALL UTILITIES AND CONSTRUCTION WORKING IN THE PUBLIC RIGHT OF WAY MUST BE COMPLETED BY 10:31:56A.M. THE PERMITTER IS REQUIRED TO OBTAIN A PERMIT FROM THE CITY OF ST. PAUL PERMITTING DEPARTMENT AT 651-224-5600 FOR MORE INFORMATION.

[illegible][illegible][illegible]

**SITE DATA** \_\_\_\_\_

SUBMITTAL: ZONING	OPEN SPACE AND PARK DISTRICT (UMP)
DISPERSED AREAS	0.00 AC
EXISTING IMPERVIOUS AREAS	0.00 AC (PWA)
EXISTING IMPERVIOUS AREAS	0.00 AC (PWA)
PARKING SUMMARY	
PARKING STALL SIZE	- 18' X 9'
PARKING STALLS PROVIDED	= 0
ACCESSIBLE PARKING	
REQUIRED ACCESSIBLE PARKING	0 STALLS REQUIRED
ACCESSIBLE PARKING	0 STALLS PROVIDED

PAVEMENT TYPES ~~SECTION~~

**WARNINGS:**

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINE.

THE CONTRACTOR SHALL CONTACT THEIR STATE ONE CALL AT 811-454-0092 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUNDS WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE BEGINNING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.



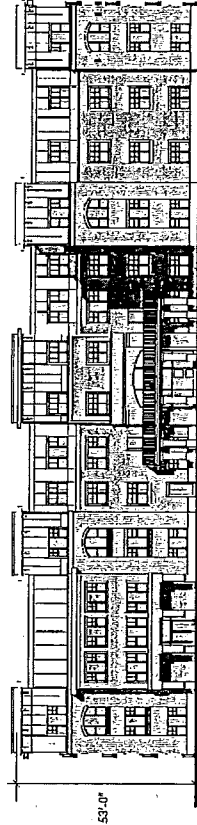
SNELLING AVENUE - WEST ELEVATION



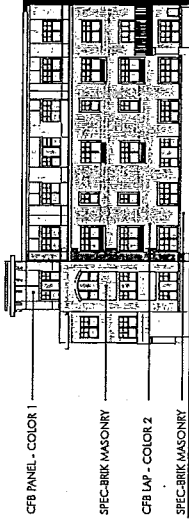
SOUTH ELEVATION



NORTH ELEVATION



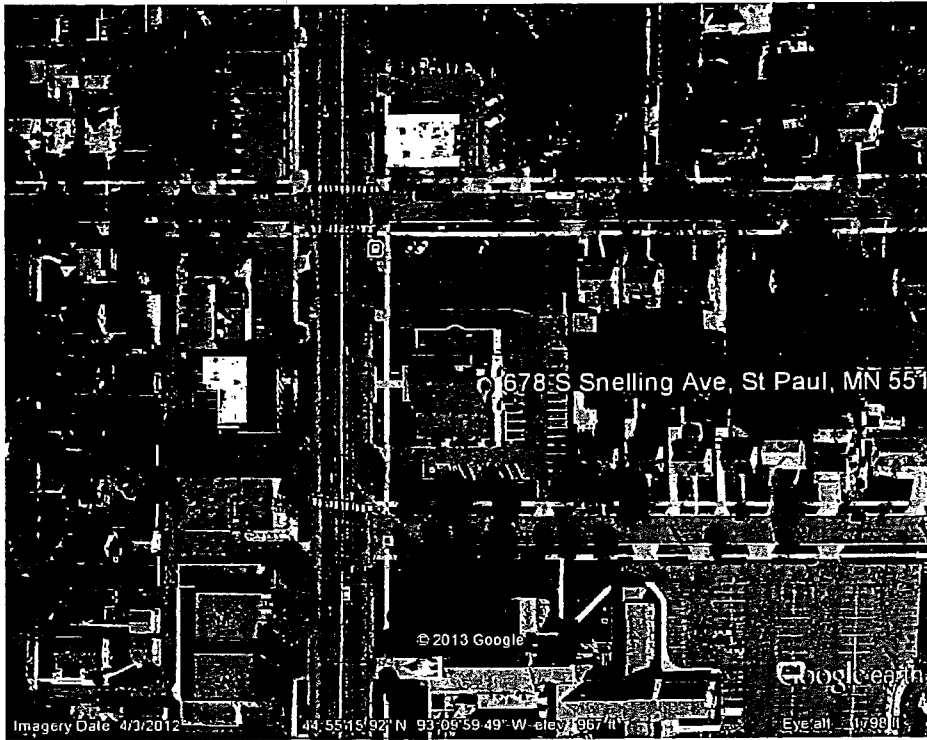
INTERIOR COURTYARD - EAST ELEVATION



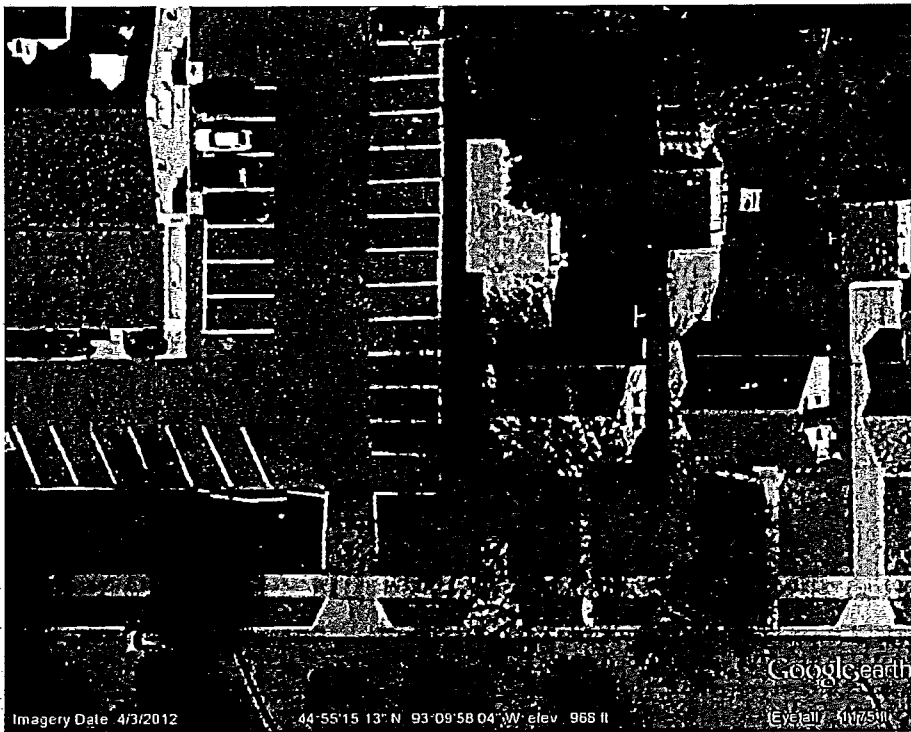
INTERIOR COURTYARD - NORTH ELEVATION



INTERIOR COURTYARD - SOUTH ELEVATION



678 Snelling Ave South



Southwest corner of the property and adjacent residential lot and driveway



BRIMHALL ST

SCHEFFER AVE

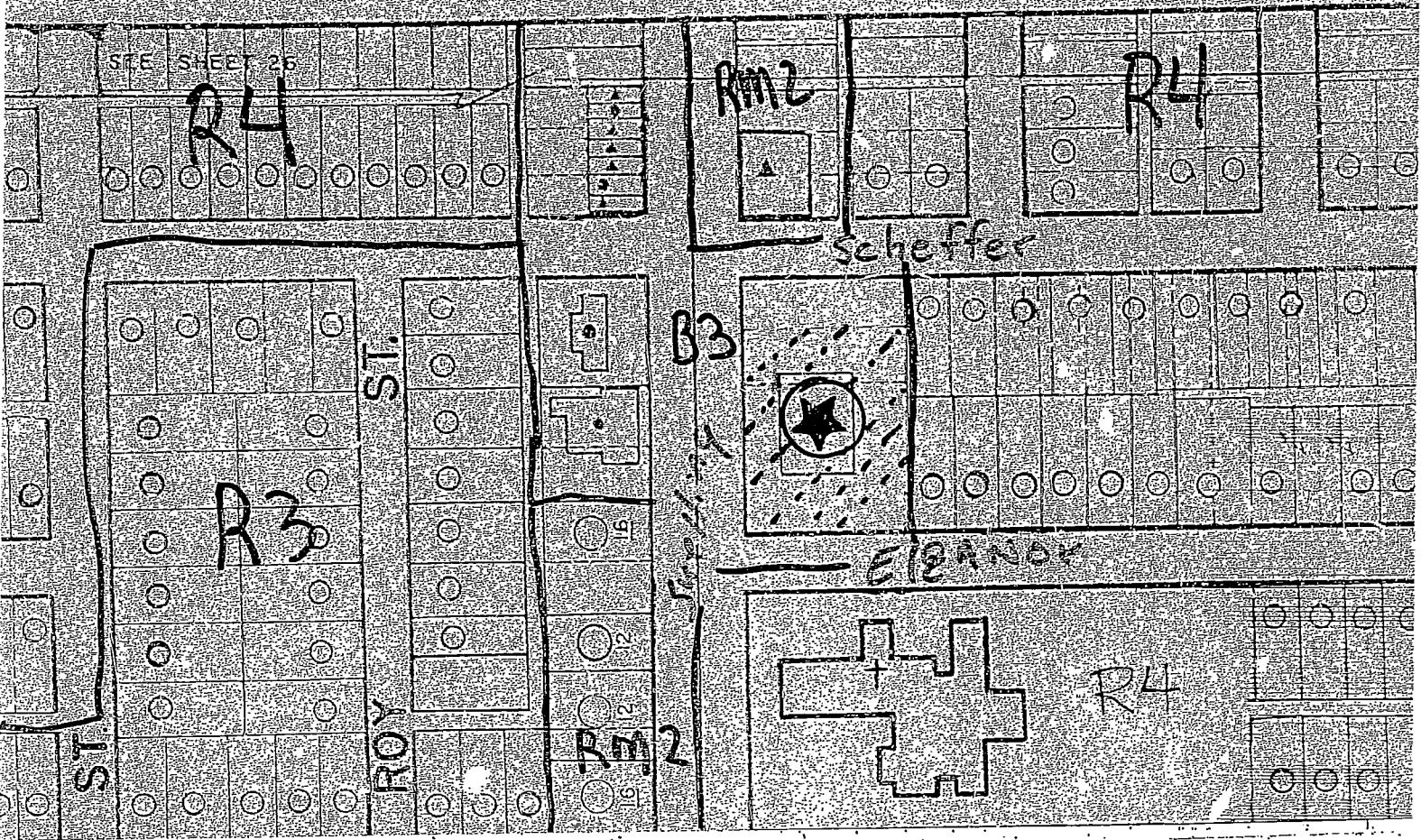
SNELLING AVES

ELEANOR AVE

HIGHLAND PK

(105)





APPLICANT Bradshaw Group

PURPOSE Rezone B3 → T3

FILE # B-253015 DATE 11-25-

PLNG. DIST 15 Land Use Map # 34

~~SCALE 1" = 400'~~ Zoning Map # 20

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant

